

EXHIBIT B

In Re: Jose Trevino, Sr., et al vs.
HSBC Mortgage Services, Inc., et al

Jamar Harris (Caliber Home Loans)
07/27/2016

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE: §
§ BANKRUPTCY CASE NO.
JOSE TREVINO, SR., and § 10-70594
TERESA TREVINO, §
§ CHAPTER 13
DEBTORS §

JOSE TREVINO and TERESA §
TREVINO, §
§
PLAINTIFFS, §
§
v. § ADVERSARY NO. 13-07031
§
1) HSBC MORTGAGE SERVICES, §
INC., §
§
2) U.S. BANK TRUST, N.A. as §
Trustee for LSF8 MASTER §
PARTICIPATION TRUST, and §
§
3) CALIBER HOME LOANS, §
INC., §
§
DEFENDANTS. §

ORAL DEPOSITION OF

JAMAR HARRIS (CALIBER HOME LOANS)

JULY 27, 2016

Volume 1

In Re: Jose Trevino, Sr., et al vs.
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1 ORAL DEPOSITION OF JAMAR HARRIS, produced as a

2 witness at the instance of the Plaintiffs, and duly

3 sworn, was taken in the above-styled and -numbered cause

4 on July 27, 2016, from 9:06 a.m. to 7:02 p.m., before

5 Betty Lynn Cade, CSR, in and for the State of Texas,

6 reported by machine shorthand, at the Law Offices of

7 Franklin Hayward, LLP, 10501 North Central Expressway,

8 Suite 106, Dallas, Texas 75231, pursuant to the Federal

9 Rules of Civil Procedure.

10 A P P E A R A N C E S

11 FOR THE PLAINTIFFS, JOSE TREVINO and TERESA TREVINO:

12 Ms. Karen L. Kellett

13 Ms. Megan F. Clontz

14 KELLETT & BARTHOLOW PLLC

15 11300 North Central Expressway, Suite 301

16 Dallas, Texas 75243

17 (214) 696-9000

18 (214) 696-9001

19 kkellett@kblawtx.com

20

21

22

23

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FOR THE DEFENDANTS, U.S. BANK TRUST, N.A., as Trustee

for LSF8 MASTER PARTICIPATION TRUST and CALIBER HOME

LOANS, INC.:

Ms. Melissa S. Hayward

FRANKLIN HAYWARD LLP

10501 North Central Expressway, Suite 106

Dallas, Texas 75231

(972) 755-7100

(972) 755-7110

mhayward@franklinhayward.com

ALSO PRESENT:

Mr. Chris Bass

Mr. Clint Burton

Mr. Tye McWhorter

Mr. Tony McGough, Videographer

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PROCEEDINGS

(It is further agreed that Rule 30(b)(5) is

waived by agreement of the parties.)

THE VIDEOGRAPHER: We're on the record at

9:06 a.m., July 27th, 2016, in the deposition of

corporate representative of Defendant, Caliber Home

Loans Incorporated, Jamar Harris.

JAMAR HARRIS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MS. KELLETT:

Q. Mr. Harris, please state your full name for the

record.

A. Yes, Jamar Harris.

Q. And can you spell that again.

A. J-A-M-A-R, last name Harris, H-A-R-R-I-S.

Q. Okay. And have you ever had your deposition

taken before?`

A. Yes.

Q. Okay. How many times?

A. Once.

Q. And was that while you were working for

Caliber?

A. Yes.

Q. Was that in connection with a lawsuit?

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<p style="text-align: right;">Page 6</p> <p>1 A. No.</p> <p>2 Q. Okay. How long have you been working for</p> <p>3 Caliber?</p> <p>4 A. Approximately three years.</p> <p>5 Q. Okay. And what's your title?</p> <p>6 A. Default servicing officer.</p> <p>7 Q. When you started at Caliber, was that your</p> <p>8 title, or have you had different jobs?</p> <p>9 A. I've had different jobs.</p> <p>10 Q. Okay. What was the first one at Caliber?</p> <p>11 A. The first title was single point of contact</p> <p>12 specialist.</p> <p>13 Q. Okay. And after that?</p> <p>14 A. After that, it's property preservation</p> <p>15 specialist.</p> <p>16 Q. Okay. And after that?</p> <p>17 A. Default servicing officer.</p> <p>18 Q. Okay. So those are the three different jobs</p> <p>19 you've had?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And your offices are here in the</p> <p>22 Metroplex; is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Out by D/FW?</p> <p>25 A. In the -- within the D/FW.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. And where were you located when you were</p> <p>2 with AT&T?</p> <p>3 A. Arlington.</p> <p>4 Q. Arlington? Okay. All right. And where did</p> <p>5 you go to high school?</p> <p>6 A. James Bowie High School.</p> <p>7 Q. And where is that?</p> <p>8 A. That is in Arlington.</p> <p>9 Q. And did you go to college?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Where did you go to college?</p> <p>12 A. University of Texas at Arlington.</p> <p>13 Q. Did you get a degree?</p> <p>14 A. No.</p> <p>15 Q. Okay. How many years did you go to UTA?</p> <p>16 A. Approximately two.</p> <p>17 Q. Okay. In connection with being with Caliber,</p> <p>18 what did the single point of contact specialist entail,</p> <p>19 that job?</p> <p>20 A. We served kind of as a front line to speak with</p> <p>21 customers to mitigate accounts.</p> <p>22 Q. Was that in connection with the HAMP</p> <p>23 modification program?</p> <p>24 A. It was in connection to several programs,</p> <p>25 including HAMP.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. Is it by the airport, near the airport?</p> <p>2 A. Fairly close.</p> <p>3 Q. Okay. Prior to being at Caliber, where did</p> <p>4 you work?</p> <p>5 A. Stewart Title.</p> <p>6 Q. Okay. And what did you do at Stewart Title?</p> <p>7 A. I did document review.</p> <p>8 Q. How long were you there?</p> <p>9 A. I was there for approximately a year.</p> <p>10 Q. Okay. Was that here in the Dallas area?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And prior to Stewart Title, where did</p> <p>13 you work?</p> <p>14 A. AT&T.</p> <p>15 Q. Okay. And what did you do for AT&T?</p> <p>16 A. Staff representative.</p> <p>17 Q. What did that entail?</p> <p>18 A. That entailed reconciling reports, I mean, in</p> <p>19 a nutshell.</p> <p>20 Q. Okay. Prior to AT&T?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay.</p> <p>23 A. I was at AT&T for quite some time.</p> <p>24 Q. Do you remember how long you were at AT&T?</p> <p>25 A. Approximately 11 years.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. What were the other programs?</p> <p>2 A. In-house modifications, short sale, deed in</p> <p>3 lieu, payment plans.</p> <p>4 Q. All right. And who did you report to when you</p> <p>5 were in that job?</p> <p>6 A. I reported directly to Moses Meza.</p> <p>7 Q. Moses Meza?</p> <p>8 A. Yeah.</p> <p>9 Q. M-E-Z-A?</p> <p>10 A. Yeah. I believe so.</p> <p>11 Q. Okay. Okay. And then in the next job that you</p> <p>12 had, which was property preservation specialist, what</p> <p>13 did that entail?</p> <p>14 A. That entailed preserving properties and</p> <p>15 protecting our investments, preventing the property from</p> <p>16 losing value.</p> <p>17 Q. And how did you do that?</p> <p>18 A. We would review pictures and address issues by</p> <p>19 ordering contractors out there to correct the issues.</p> <p>20 Q. Somebody would do a property inspection, and</p> <p>21 then you would review that?</p> <p>22 A. (Moving head up and down.)</p> <p>23 Q. Is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And who did you report to in that job?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A. I reported to Craig.</p> <p>2 Q. Okay. Do you recall his last name?</p> <p>3 A. It's hard to pronounce. I can spell it for</p> <p>4 you.</p> <p>5 Q. Okay.</p> <p>6 A. I think I can spell it for you.</p> <p>7 Q. All right.</p> <p>8 A. R-O-U-T-E-R.</p> <p>9 Q. Okay. And then default servicing officer, how</p> <p>10 long have you been a default servicing officer?</p> <p>11 A. For approximately eight months.</p> <p>12 Q. Okay. And who do you report to?</p> <p>13 A. I report directly to Michael Betson.</p> <p>14 Q. And who does he report to?</p> <p>15 A. Michael reports to Juan, Juan Aguirre.</p> <p>16 Q. Okay. And do you know who he reports to?</p> <p>17 A. I believe Juan reports to Kathy.</p> <p>18 Q. Do you know Kathy's last name?</p> <p>19 A. I believe it's Shields, but I'm not sure.</p> <p>20 Q. Do you know who she reports to?</p> <p>21 A. It's kind of getting higher up there. I'm not</p> <p>22 sure who she reports to honestly.</p> <p>23 Q. Okay. What do you do -- excuse me. -- in your</p> <p>24 job as default servicing?</p> <p>25 A. In a nutshell, I review accounts in preparation</p>	<p style="text-align: right;">Page 12</p> <p>1 servicing?</p> <p>2 A. Absolutely.</p> <p>3 Q. Okay. Can you tell me some of those people?</p> <p>4 MS. HAYWARD: Objection, form.</p> <p>5 A. Can you clarify the question?</p> <p>6 Q. (By Ms. Kellett) Just can you tell me the</p> <p>7 names of other people that you know at Caliber who work</p> <p>8 in default servicing?</p> <p>9 MS. HAYWARD: Objection, form.</p> <p>10 A. Yes, I could.</p> <p>11 Q. (By Ms. Kellett) Okay.</p> <p>12 A. But that's a broad question. I could name you</p> <p>13 20 names.</p> <p>14 Q. So do -- do all of those 20 people help prep</p> <p>15 for trial, deposition, and mediation, or do they do</p> <p>16 different things?</p> <p>17 A. They may do different things.</p> <p>18 Q. Okay. What other kind of things do they do?</p> <p>19 A. Well, as I mentioned, I've been in three</p> <p>20 different departments, so everything that I mentioned</p> <p>21 before are the things that they would do, so...</p> <p>22 Q. Well, I'm talking about default servicing in</p> <p>23 particular.</p> <p>24 A. Right, and as I mentioned, all three of those</p> <p>25 titles are under default servicing.</p>
<p style="text-align: right;">Page 11</p> <p>1 for trial, depositions, mediations.</p> <p>2 Q. Okay. Are you in the legal department?</p> <p>3 A. No.</p> <p>4 Q. Okay. Has this been your job the whole time</p> <p>5 you've been in default services, to review accounts for</p> <p>6 trial, depositions, and mediations?</p> <p>7 A. No.</p> <p>8 Q. Okay. What --</p> <p>9 A. It has not been my job.</p> <p>10 Q. Okay. What else have you done?</p> <p>11 A. Well, as we've discussed, I've done property</p> <p>12 preservation and also single point of contract.</p> <p>13 Q. Right. But while you've been in default</p> <p>14 servicing, have you done anything else besides help prep</p> <p>15 for trial, depositions, and mediations?</p> <p>16 A. All three of those titles are under default</p> <p>17 servicing.</p> <p>18 Q. Okay. How many people are -- do default</p> <p>19 servicing on behalf of Caliber?</p> <p>20 A. I have no clue.</p> <p>21 Q. Okay. Do you -- do you work in the office, or</p> <p>22 do you work from home?</p> <p>23 A. I do half and half.</p> <p>24 Q. Okay. When you're in the office, are there --</p> <p>25 do you know of other people who are in default</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Oh, okay. So property preservation is under</p> <p>2 default servicing. All right. Do you know how many</p> <p>3 other people help prep for trial, depositions, and mediations?</p> <p>4 MS. HAYWARD: Objection, form.</p> <p>5 A. No. I don't have a specific number.</p> <p>6 Q. (By Ms. Kellett) Okay. Do you attend</p> <p>7 mediations?</p> <p>8 A. Yes. I have attended mediations both</p> <p>9 telephonically and physically.</p> <p>10 Q. Okay. And is that for cases in both state and</p> <p>11 federal court?</p> <p>12 A. I believe just state court.</p> <p>13 Q. Okay. Do you ever testify at hearings or at</p> <p>14 trial?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Okay. How many trials have you testified in?</p> <p>17 A. I haven't kept count.</p> <p>18 Q. Are these trials in state court or federal</p> <p>19 court or both?</p> <p>20 A. As I mentioned, it's state court, I believe.</p> <p>21 Q. Okay. Do you recall ever testifying in federal</p> <p>22 court?</p> <p>23 A. No.</p> <p>24 Q. Okay. Have you ever testified in bankruptcy</p> <p>25 court?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. No. The -- any trial I've gone to hasn't been</p> <p>2 a bankruptcy-related trial.</p> <p>3 Q. Okay. And what kind of things have you</p> <p>4 testified about when you're at trial on behalf of</p> <p>5 Caliber?</p> <p>6 A. Testimony could be regarding the note, the</p> <p>7 mortgage, documents concerning the loan.</p> <p>8 Q. The -- the borrower's pay history, would that</p> <p>9 be something you would testify about?</p> <p>10 A. Yes, history included.</p> <p>11 Q. Okay. Looking at the -- Caliber's account</p> <p>12 records?</p> <p>13 A. Yes.</p> <p>14 Q. Is that what you look at to determine --</p> <p>15 A. Account records as well.</p> <p>16 Q. Okay. And when you're looking at a borrower's</p> <p>17 account records, what do you do physically to see a</p> <p>18 particular borrower's account records?</p> <p>19 MS. HAYWARD: Objection, form.</p> <p>20 A. Please elaborate on that question, as far as</p> <p>21 what do I do physically? Like --</p> <p>22 Q. (By Ms. Kellett) How do you access a</p> <p>23 borrower's account?</p> <p>24 A. Start out by entering the account number into</p> <p>25 our servicing system.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. HSBC.</p> <p>2 Q. Okay.</p> <p>3 A. Specifically to this case, I've seen it.</p> <p>4 Q. Okay.</p> <p>5 A. Screenshots from HSBC.</p> <p>6 Q. All right. And after you enter a borrower's</p> <p>7 account number into -- after you've logged in and</p> <p>8 entered the account number, what do you see on the</p> <p>9 computer screen?</p> <p>10 A. It could be -- it just depends on what screen I</p> <p>11 was on before I logged the borrower's account number, so</p> <p>12 it could be several different screens.</p> <p>13 Q. Okay. What -- can you describe the different</p> <p>14 screens that you can pull up in -- in Fiserv?</p> <p>15 A. It's kind of a broad question. There's many</p> <p>16 screens in Fiserv, many that I don't even know about,</p> <p>17 so...</p> <p>18 Q. And why -- why don't you just describe the ones</p> <p>19 you do know about.</p> <p>20 A. I'm not sure what type of description you're</p> <p>21 looking for. I mean, it -- it brings up account</p> <p>22 information once we put the account number in.</p> <p>23 Q. Okay. But what kind of account information</p> <p>24 does it bring up?</p> <p>25 A. It could be the address, the subject property</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. And what is your servicing system?</p> <p>2 A. It is Fiserv, is our main platform.</p> <p>3 Q. Okay. And do you do that from a computer</p> <p>4 monitor?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. You hesitated a little bit. Is there</p> <p>7 some other device that you use besides a computer to get</p> <p>8 into Fiserv?</p> <p>9 A. No. I'm just taking my time answering. That's</p> <p>10 all.</p> <p>11 Q. Okay. And is that a server that you access</p> <p>12 through the Web, or is it proprietary to Caliber?</p> <p>13 A. This particular system -- when you say "Web,"</p> <p>14 do you mean like a normal Web browser?</p> <p>15 Q. Yeah. Do you access it by going to -- to a Web</p> <p>16 browser to get into the Fiserv system to start with?</p> <p>17 A. I would -- to answer both questions, yes, it is</p> <p>18 a proprietary system, and, yes, we do access it through</p> <p>19 some type of Web browser.</p> <p>20 Q. Okay. So the system is proprietary to Caliber?</p> <p>21 A. I'm sure our version is proprietary to Caliber,</p> <p>22 but I've seen within our records it being used by</p> <p>23 another company, so...</p> <p>24 Q. Okay. And what other company have you seen it</p> <p>25 being used by?</p>	<p style="text-align: right;">Page 17</p> <p>1 mailing address. It could be amounts due.</p> <p>2 Q. Okay. Is that a particular screen, amounts</p> <p>3 due?</p> <p>4 A. It's not a particular screen. It's just</p> <p>5 information that's available on several particular</p> <p>6 screens.</p> <p>7 Q. Okay. And when you're accessing an account, do</p> <p>8 you use one monitor or several different monitors at a</p> <p>9 time?</p> <p>10 A. I could be using one or two monitors.</p> <p>11 Q. Okay. If you wanted to know the account</p> <p>12 history on a loan, what screen would you pull up?</p> <p>13 A. Please clarify account history. There's</p> <p>14 different types of account history.</p> <p>15 Q. Well, why don't you describe the different</p> <p>16 types of account histories.</p> <p>17 A. There's notations. There's inspections, to</p> <p>18 name a few.</p> <p>19 Q. Okay. Can you name some other ones?</p> <p>20 A. Sure. There's transaction history.</p> <p>21 Q. Okay.</p> <p>22 A. There's payment history. Shall I continue?</p> <p>23 Q. Yes, please.</p> <p>24 A. What goes into escrow history, just a few off</p> <p>25 the top of my head.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Is there a history that shows fees that have 2 been added to the account? 3 A. Absolutely. 4 Q. Okay. Are the fees separate from the escrow? 5 A. Yes. I believe so. 6 Q. Okay. And so when you're reviewing this 7 information, you're seeing it on a -- in fields on a 8 computer monitor; is that correct? 9 A. Repeat the question, please. 10 Q. When you're seeing this information, you're 11 seeing it in various fields on your computer monitor, 12 correct? 13 A. That is correct. Information is displayed in 14 various fields. 15 Q. All right. Have you ever been asked to run any 16 reports from Fiserv? 17 A. Not that I recall. 18 Q. Okay. Have you ever asked anybody to run 19 reports from Fiserv? 20 A. I'm sure, yes. 21 Q. And who -- who have you asked? 22 MS. HAYWARD: Objection, form. 23 A. I've asked the legal department to run a report 24 from Fiserv. 25 Q. (By Ms. Kellett) Have you ever asked anybody</p>	<p style="text-align: right;">Page 20</p> <p>1 note screen. 2 Q. Okay. What -- what did you see? 3 A. I'm not sure exactly what I saw because it was 4 a HSBC file, but it did resemble Fiserv. 5 Q. Okay. Well, who showed you those screenshots? 6 A. During my review with counsel, I saw those 7 screenshots. 8 Q. Okay. When was that? 9 A. Within the last week or so. 10 Q. Okay. Did you meet with counsel out at Caliber 11 or here in Ms. Hayward's office? 12 MS. HAYWARD: Objection, form. 13 A. I met with counsel at Caliber. 14 Q. (By Ms. Kellett) Okay. Is that your in-house 15 counsel? 16 A. Yes. 17 Q. And who was it? 18 A. In-house, everyone -- well, Melissa and Clint. 19 Q. Okay. 20 A. And I also met with Chris briefly as well. 21 Q. Okay. Prior to the last week, had you worked 22 on this case at all? 23 A. Prior to last week? I don't believe so. I 24 believe I got this case -- I mean, it's quite possibly I 25 got this case maybe a week and a half ago, so prior to</p>
<p style="text-align: right;">Page 19</p> <p>1 in the information technology department to run any 2 information from Fiserv? 3 A. Not that I recall. 4 Q. Have you ever printed any of the screenshots 5 from Fiserv? 6 A. Have I printed -- I'm sorry. Please repeat the 7 question. 8 Q. Have you ever printed any of the screens? 9 A. From Fiserv. Not that I recall. 10 Q. Okay. Have you ever seen any -- any screen 11 prints of information on Fiserv? 12 A. Yes, I have. 13 Q. All right. And in connection with what matter 14 did you see screen prints from Fiserv? 15 A. In connection to today's matter, I've seen 16 screen -- screenshots from Fiserv. 17 Q. Okay. And those were screenshots of the 18 Trevinos' account? 19 A. Yes. They were screenshots of a period of the 20 Trevinos' account, but the screenshots that I saw was 21 from a HSBC file. 22 Q. Okay. The screenshots that you saw, though, 23 did it -- like, say, of the note, did it look familiar, 24 just what you're normally seeing when you open Fiserv? 25 A. It looked familiar, but what I saw wasn't a</p>	<p style="text-align: right;">Page 21</p> <p>1 last week, it's possible. 2 Q. Okay. But, I mean, say, two years ago, did you 3 work on this case? 4 A. No. 5 Q. Okay. Did you work on this case in even June 6 of this year? 7 A. No. 8 Q. Okay. All right. 9 MS. KELLETT: Let's mark this. 10 (Exhibit 1 marked for identification.) 11 Q. (By Ms. Kellett) Okay. We're handing you 12 what's been marked as Exhibit No. 1 to your deposition. 13 A. Okay. 14 Q. Could you review this document? 15 A. You said did I review this document? 16 Q. I said could you review this document? 17 A. Could I? Sure. Just a moment. (Peruses 18 document.) This appears to be the same document I 19 previously reviewed. 20 Q. Okay. This is your deposition notice, and 21 you've seen this before? 22 A. I have seen this before. 23 Q. All right. And when is the first time you saw 24 this document? 25 A. Within a week and a half ago.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. All right. And you're the person at Caliber 2 with the most knowledge of the topics set out in 1 3 through 7; is that correct? 4 A. Possibly. 5 Q. Okay. Who -- who might also have knowledge of 6 1 through 7? 7 A. That's a broad question again. There's many 8 people that may have knowledge of 1 through 7. 9 Q. Okay. But you have the most knowledge at 10 Caliber of 1 through 7? 11 A. Well, that's not what I said. I said I quite 12 possibly do, but -- 13 Q. Okay. 14 A. -- not necessarily. 15 Q. Okay. With respect to topic No. 1, what did 16 you do to prepare for this deposition? 17 A. Relating to No. 1? 18 Q. Yes. 19 A. Relating to No. 1, there's about a 800-page 20 booklet regarding this case that I did review. 21 Q. All right. Well, No. 1 just speaks 22 specifically to Caliber-produced document 1 through 102 23 and 757 through 759. 24 A. Correct. 25 Q. Did you look at those documents in particular?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Did you ask anybody? 2 A. No. I didn't ask anyone if it was editable. 3 Q. Would you be surprised to learn that I was able 4 to edit the document sent on June 6th? 5 A. I wouldn't. There's software out there that 6 allows you to edit documents. 7 Q. Okay. So are you the one that -- that hit the 8 button to produce the June 6th spreadsheet? 9 A. No. 10 Q. Okay. Well, who -- who hit that button? 11 A. Someone in our legal department hit the button. 12 Q. Okay. Did you talk to anybody in the IT 13 department in preparing for your deposition today? 14 A. I did not. 15 Q. Did you talk to anyone with respect to Cal -- 16 Caliber's servicing system? 17 MS. HAYWARD: Objection, form. 18 A. Yes. 19 Q. (By Ms. Kellett) Okay. Who -- who did you 20 talk to? 21 A. Someone in our legal department. 22 Q. Did you talk to anybody outside of the legal 23 department about the capabilities of Caliber's loan 24 servicing system? 25 A. Just a moment. Let me think about that one.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes. 2 Q. All right. With respect to topic No. 2, what 3 did you do to prepare for your deposition? 4 A. I reviewed the spreadsheet that says Fiserv. 5 It's a transaction history. 6 Q. All right. Who created that transaction 7 history that was produced on June 6th? 8 A. It was created by the system. No one in 9 particular created it. 10 Q. Okay. How did the system create it? 11 A. By simply hitting the export button. 12 Q. Uh-huh. 13 A. And choosing which format you want the file to 14 be generated in. 15 Q. Okay. And what were the different formats that 16 the file can be generated in? 17 A. The two that I dabbled with were PDF and Excel. 18 Q. All right. So you hit a button, and it puts 19 the information in a PDF format or an Excel format; is 20 that correct? 21 A. Correct. 22 Q. All right. And when it's in Excel format, you 23 can use it like any other Excel spreadsheet, correct? 24 A. I believe so, with the exception of I don't 25 know if it's editable. That, I don't know.</p>	<p style="text-align: right;">Page 25</p> <p>1 Let me see if I spoke with someone regarding -- repeat 2 the question for me, please. 3 MS. KELLETT: I'm sorry. Could you repeat 4 the question. 5 (Requested portion was read.) 6 A. I'm -- I'm sure I did, but -- 7 Q. (By Ms. Kellett) Who did you talk to? 8 A. -- I couldn't tell you who I spoke with. I 9 mean, I might ask some general questions. 10 Q. Well, how -- how did you know who to -- to call 11 or to go meet to ask these questions? 12 A. It depends on the subject at hand. I may reach 13 out to that department or may reach out to my manager to 14 ask general questions, but I'm handling more than one 15 account, so -- 16 Q. All right. 17 A. -- it's possible. 18 Q. All right. Have you seen reports from the 19 Fiserv system other than what has been produced by your 20 legal department? 21 MS. HAYWARD: Objection, form. Are you -- 22 just with respect to this particular case? 23 MS. KELLETT: Could you repeat the 24 question. 25 (Requested portion was read.)</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. (By Ms. Kellett) No. I don't mean this 2 particular case. I mean any -- any report. 3 A. Any report? I'm sure, yes. 4 Q. Who produced those reports? 5 A. Excuse me. I couldn't tell you who produced 6 each report that I've ever seen. 7 Q. But you've never asked anybody other than legal 8 to produce any information out of the Fi -- Fiserv 9 system, correct? 10 MS. HAYWARD: Objection, form. 11 A. I can't say that I've never done that. 12 Q. (By Ms. Kellett) Do you recall any time that 13 you have asked somebody other than legal to produce 14 information out of the Fiserv system? 15 A. Actually, I recall a time back when I was in 16 the single point of contact department. 17 Q. Okay. And what kind of report did you ask for 18 or see? 19 A. That, I don't recall. I just know I couldn't 20 figure out how to do it myself, so someone showed me how 21 to do it. 22 Q. They showed you how to create a report from 23 information from the Fiserv system? 24 A. Right. 25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 28</p> <p>1 screen? 2 A. You're referring to the front page? It looks 3 similar, similar to this, yes. 4 Q. Okay. Do you ever actually enter any 5 information into a borrower's account? 6 A. Yes, I do. 7 Q. Okay. And what kind of information do you 8 enter? 9 A. It's information regarding the loan, regarding 10 activity I've -- I've done on the loan. 11 Q. What type of activities? 12 A. Regarding my job today, it could be regarding 13 the final judgment on -- on a loan at trial. 14 Q. So would you be entering that into the -- the 15 notes screen? 16 A. It could be the notes screen. 17 Q. Okay. Where else could it be? 18 A. It could be a task screen where we set out 19 tasks. 20 Q. And would the tasks also appear on the notes 21 screen? 22 A. Yes. They would appear on the notes screen. 23 Q. Okay. And how do you -- how do you set up a 24 task physically? 25 A. You would access the task screen, enter the</p>
<p style="text-align: right;">Page 27</p> <p>1 MS. KELLETT: Mark this. 2 MS. CLONTZ: Uh-huh. 3 (Exhibit 2 marked for identification.) 4 Q. (By Ms. Kellett) All right. I'm handing you 5 what's been marked as No. 2 to your deposition. Could 6 you review this document? 7 A. Yes. Just a moment. (Peruses document.) 8 MS. HAYWARD: I object to any questions 9 being asked about this document. This document is not 10 clear who produced it or what it is or whose record it 11 is, and it's also not Bates numbered. 12 MS. KELLETT: I know. 13 MS. HAYWARD: Just for the record. It's 14 also heavily redacted. 15 A. Okay. 16 Q. (By Ms. Kellett) Okay. Have you ever seen 17 this document before? 18 A. Not this version, no. 19 Q. All right. Do -- 20 A. And -- 21 Q. Go ahead. 22 A. And I -- the document I saw didn't have this 23 many pages either, so... 24 Q. All right. When you pull up the notes for a 25 borrower on Fiserv, do the notes look like this on a</p>	<p style="text-align: right;">Page 29</p> <p>1 tasks that you would like to initiate. There's a few 2 other codes you got to put in there, and then hit the 3 enter button. 4 Q. Do you ever enter or adjust any financial 5 information with respect to a borrower's account? 6 A. Today's job, no. 7 Q. Okay. Did you ever? 8 A. Yes. 9 Q. Okay. 10 A. I did. 11 Q. And -- and what kind of in -- loan information 12 would you enter or adjust? 13 A. Well, when you say "financial information," 14 I've entered, like, the borrower's income amounts, 15 expenses, stuff like that, so I can review for a 16 possible payment plan or a modification. 17 Q. Okay. Do you ever -- have you ever adjusted 18 the account, like added money to the account or 19 subtracted money to the account? 20 A. No. 21 Q. Okay. All right. But there are places you can 22 look to see if money's been paid on an account or taken 23 off an account, correct? 24 A. Yes. There's places we can visit to see what 25 activity has taken place.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. All right. So with respect to payments,</p> <p>2 when payments are posted to an account, where is</p> <p>3 information about that accessed?</p> <p>4 A. It would be in our transaction screen.</p> <p>5 Q. Okay. When a payment comes in, is there any</p> <p>6 notation about it in the notes or the tasks as well?</p> <p>7 A. Yes. When payments come in, there is a</p> <p>8 notation.</p> <p>9 Q. Are the notation of payments coming in made by</p> <p>10 the cash department or by which department?</p> <p>11 A. It depends how the payment comes in. It could</p> <p>12 be more than one ways or -- or departments or places</p> <p>13 that would place a note to that account.</p> <p>14 Q. Okay. What are those different departments?</p> <p>15 A. For example, payments that are mailed might be</p> <p>16 handled by a vendor. Bankruptcy payments or accounts</p> <p>17 that are in active bankruptcy may go to the bankruptcy</p> <p>18 department.</p> <p>19 Q. Okay. And does the vendor have the ability to</p> <p>20 notate in the notes that a payment has come in?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay. Who would know the answer to that</p> <p>23 question?</p> <p>24 A. Give me just a moment. Let me see if I can</p> <p>25 re -- recall that. I'm sorry. I don't recall. Someone</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Specifically escrow, I don't know. That's not</p> <p>2 my area of expertise, but if it's just a payment, then,</p> <p>3 yes, it will make a note to the account.</p> <p>4 Q. Okay. Well, who would know about the escrow</p> <p>5 account?</p> <p>6 A. As far as payments posting towards an escrow</p> <p>7 account, that would also be the payment department.</p> <p>8 Q. Okay. Well, what about -- well, let's just</p> <p>9 talk paying taxes on behalf of the borrower.</p> <p>10 A. Okay.</p> <p>11 Q. Who -- who makes those decisions to pay taxes?</p> <p>12 A. The -- that's kind of a vague question. I</p> <p>13 mean, the -- the borrower makes the decision to pay the</p> <p>14 taxes.</p> <p>15 Q. No. If Caliber is going to pay the taxes on</p> <p>16 behalf of the borrower --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- who makes that decision?</p> <p>19 A. Okay. That could be -- just a moment.</p> <p>20 Q. Okay.</p> <p>21 A. We have a tax department, but I'm not sure if</p> <p>22 they would be making decisions whether we will make an</p> <p>23 advance for taxes.</p> <p>24 Q. Okay. Well, who -- with respect to the</p> <p>25 Trevinos, the debtors in this case, who made the</p>
<p style="text-align: right;">Page 31</p> <p>1 in the payment department could answer that question.</p> <p>2 Q. Okay. There is a payment department?</p> <p>3 A. I'm not sure if that's the actual name of that</p> <p>4 department, but, yes.</p> <p>5 Q. Okay. And let me ask this: Is the -- the</p> <p>6 bankruptcy department part of default services?</p> <p>7 A. It could be. It could be under default</p> <p>8 servicing.</p> <p>9 Q. Okay. Do you know who the head of the</p> <p>10 bankruptcy department is?</p> <p>11 A. I'd be assuming if I answered that question.</p> <p>12 Q. All right. Is the bankruptcy department here</p> <p>13 in the Dallas area?</p> <p>14 A. To my knowledge, they're in San Diego.</p> <p>15 Q. Okay. When payments are made from or on behalf</p> <p>16 of a debtor, say for an escrow item, is there a notation</p> <p>17 about that made in the notes?</p> <p>18 A. Yes. Whenever payments are made, whether it's</p> <p>19 escrow, principal, interest, the payment is posted,</p> <p>20 notated, to the account.</p> <p>21 Q. But would there be -- and I'm talking about</p> <p>22 escrow items in particular. Would there be some kind of</p> <p>23 description of the escrow payment, not just the number,</p> <p>24 but a description in the notes or in the tasks about</p> <p>25 making the escrow payment?</p>	<p style="text-align: right;">Page 33</p> <p>1 decisions to make tax advances on behalf of the --</p> <p>2 MS. HAYWARD: Objection, form.</p> <p>3 Q. (By Ms. Kellett) On behalf of the debtors -- I</p> <p>4 mean on -- yeah, on behalf of the debtors?</p> <p>5 MS. HAYWARD: Objection, form, assumes</p> <p>6 facts not in evidence.</p> <p>7 A. Repeat that question, please.</p> <p>8 MS. KELLETT: Can you repeat the question.</p> <p>9 (Requested portion was read.)</p> <p>10 MS. HAYWARD: Objection to form again.</p> <p>11 A. To my knowledge, during my review of this case,</p> <p>12 it was the pre -- prior servicer that made the tax</p> <p>13 advance.</p> <p>14 Q. (By Ms. Kellett) There were no tax advances</p> <p>15 made while Caliber serviced the loan?</p> <p>16 A. If there were tax advances while Caliber</p> <p>17 serviced the loan, I didn't discover any during my</p> <p>18 review.</p> <p>19 Q. Okay.</p> <p>20 (Discussion off the record.)</p> <p>21 (Exhibit 3 marked for identification.)</p> <p>22 Q. (By Ms. Kellett) All right. I'm handing you</p> <p>23 Exhibit No. 3. Have you seen this document before?</p> <p>24 A. (Peruses document.) It appears to be one of</p> <p>25 the documents I've reviewed.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. Did you review it in paper form, or did 2 you review it as an Excel spreadsheet? 3 A. Both versions. 4 Q. Okay. Did you create the Excel spreadsheet 5 that was produced to us yesterday? 6 A. No, I did not. 7 Q. Okay. Who created that Excel spreadsheet? 8 A. Someone in our legal department. 9 Q. All right. Did you ask them to create the 10 Excel spreadsheet? 11 A. I believe I did. 12 Q. Okay. Who did you ask? 13 A. I asked Clint, at the table with us today. 14 Q. Okay. Okay. And you didn't ask anybody else 15 to produce the notes that appear in this Excel spread- 16 sheet, correct? 17 A. No. I have not asked anyone to produce notes. 18 Q. All right. Have you asked anybody if these 19 notes could be produced in a report in a different 20 format other than Excel? 21 A. I did not necessarily ask anyone. I 22 discovered, or we discovered that it could be produced 23 in multiple formats. 24 Q. And when you say "we," who is we? 25 A. Myself and counsel.</p>	<p style="text-align: right;">Page 36</p> <p>1 as this. 2 Q. So you've seen something that appears to be 3 Caliber's production pages Bates labeled 27 through 45, 4 correct? 5 A. I've seen similar to this, correct. 6 Q. Okay. What information does this tell us about 7 the Trevinos? 8 A. (Peruses document.) This tells me nothing 9 about the Trevinos. 10 Q. All right. 11 (Exhibit 5 marked for identification.) 12 Q. (By Ms. Kellett) I'm handing you Deposition 13 Exhibit No. 5. Could you review that? 14 A. Sure. (Peruses document.) 15 Q. Do you recognize the documents that comprise 16 Exhibit No. 5? 17 A. Yes. It looks familiar. 18 Q. All right. These are the documents that 19 Caliber produced as Bates labeled 46 through 64; is that 20 correct? 21 A. Possibly. This is a document, again, that you 22 provided, correct? 23 Q. Yes. 24 A. Right. 25 Q. Did you look at what Caliber produced as Bates</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. What are the other formats? 2 A. The two that I worked with were PDF and Excel. 3 Q. Okay. But what other formats are you aware of? 4 A. I didn't -- I didn't really take those to 5 memory when I saw those. I saw several other formats, 6 two that I was familiar with, so I used those. 7 Q. All right. 8 (Discussion off the record.) 9 (Exhibit 4 marked for identification.) 10 Q. (By Ms. Kellett) Okay. We're showing you 11 what's been marked as Exhibit No. 4 to your deposition. 12 Could you review that document? 13 A. Yes. Just a moment. (Peruses document.) 14 Okay. 15 Q. All right. Have you seen Exhibit No. 4 before? 16 A. I've seen something that appears to be a copy 17 of Exhibit No. 4. 18 Q. All right. These are documents that were 19 produced by Caliber in this lawsuit. Do you understand 20 that? 21 A. I understand that these are copies that you 22 brought today, correct? 23 Q. Yeah, but I'm asking if you've seen these 24 before. 25 A. I've seen something that appears to be the same</p>	<p style="text-align: right;">Page 37</p> <p>1 labeled 46 through 64 in connection with preparing for 2 your deposition? 3 A. Yes. 4 Q. All right. What do the documents that comprise 5 Exhibit No. 5 tell us about the Trevinos' account? 6 A. After reviewing this, it doesn't tell me 7 anything about Trevinos' account. 8 Q. All right. Do you know who prepared these 9 documents for production? 10 A. I believe they were prepared by the legal 11 department. 12 Q. Okay. And why do you believe that? 13 A. I received my prep package from the legal 14 department. 15 Q. Okay. And were these documents in the prep 16 package? 17 A. Yes. 18 Q. Okay. 19 A. Appeared to be. 20 Q. Did you ask anybody if the legal department 21 actually prepared the documents? 22 A. Did I ask anyone if the legal department 23 actually prepared the documents? 24 Q. Yes. 25 MS. HAYWARD: I'm going to object to that</p>

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<p style="text-align: right;">Page 38</p> <p>1 question and instruct the witness not to answer, his</p> <p>2 discussions with the legal department and questions he</p> <p>3 may have asked the legal department with Caliber.</p> <p>4 MS. KELLETT: I'm sorry. Could you read</p> <p>5 the question again.</p> <p>6 (Requested portion was read.)</p> <p>7 MS. HAYWARD: I'm going to instruct the</p> <p>8 witness not to disclose any attorney-client</p> <p>9 communications between Caliber, himself, and the legal</p> <p>10 department. To the extent that the answer does not</p> <p>11 include discussions with an attorney or someone within</p> <p>12 the legal department, then the witness can answer.</p> <p>13 THE WITNESS: Repeat the question one more</p> <p>14 time, please. Thank you.</p> <p>15 (Requested portion was read.)</p> <p>16 A. Just a moment. I didn't actually -- with</p> <p>17 reference to this specific document?</p> <p>18 Q. (By Ms. Kellett) Yes.</p> <p>19 A. No. I did not ask anyone.</p> <p>20 Q. Okay. And you weren't involved with this case</p> <p>21 when these documents were originally produced in this</p> <p>22 case, correct?</p> <p>23 A. I don't believe so. The previous documents,</p> <p>24 that June 6th, I was not involved at that time.</p> <p>25 Q. Okay. These were produced a long time before</p>	<p style="text-align: right;">Page 40</p> <p>1 review this document?</p> <p>2 A. Yes. Just a moment, please. (Peruses</p> <p>3 document.) Okay.</p> <p>4 Q. All right. Did you review what was produced as</p> <p>5 Caliber 84 through 102 to prepare for your deposition?</p> <p>6 A. Yes.</p> <p>7 Q. All right. And what does Caliber 84 through</p> <p>8 102 tell us about the Trevinos' account?</p> <p>9 MS. HAYWARD: I'm again going to object to</p> <p>10 the rule of optimal completeness. I'm also going to</p> <p>11 object to the fact that these questions are very</p> <p>12 misleading and that you're presenting these as separate</p> <p>13 exhibits when they are, in fact, one document;</p> <p>14 therefore, you're misleading this witness.</p> <p>15 MS. KELLETT: That's not true, Melissa,</p> <p>16 and -- and I'll ask you not to give instructions to the</p> <p>17 witness. Can you repeat the question.</p> <p>18 (Requested portion was read.)</p> <p>19 MS. HAYWARD: Repeat my --</p> <p>20 Q. (By Ms. Kellett) You have to answer --</p> <p>21 MS. HAYWARD: I repeat my objection.</p> <p>22 Q. (By Ms. Kellett) Okay. You still have to</p> <p>23 answer the question.</p> <p>24 A. It doesn't tell me much of anything about the</p> <p>25 account.</p>
<p style="text-align: right;">Page 39</p> <p>1 that.</p> <p>2 A. Yeah. I don't think so, no.</p> <p>3 (Discussion off the record.)</p> <p>4 (Exhibit 6 marked for identification.)</p> <p>5 Q. (By Ms. Kellett) Okay. We're showing you what</p> <p>6 has been labeled as Exhibit 6 to your deposition. Can</p> <p>7 you review this document, please?</p> <p>8 A. Sure. Just a moment. (Peruses document.)</p> <p>9 Okay.</p> <p>10 Q. All right. Did you review the production of</p> <p>11 Caliber Bates label 65 through 83 prior to today?</p> <p>12 A. Yes, I did.</p> <p>13 Q. What can you tell us about the Trevinos'</p> <p>14 account from the documents produced as Bates label 65</p> <p>15 through 83?</p> <p>16 A. The only thing that I can tell you here is that</p> <p>17 they were transactions -- well, no. I can't even say</p> <p>18 that these were transactions. There's not a lot I can</p> <p>19 tell you about this document.</p> <p>20 MS. HAYWARD: I'm going to object to the</p> <p>21 form with respect to Exhibits 4, 5, and 6 under the rule</p> <p>22 of optimal completeness.</p> <p>23 (Exhibit 7 marked for identification.)</p> <p>24 Q. (By Ms. Kellett) We're handing you what's been</p> <p>25 now marked as Exhibit 7 to your deposition. Can you</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. And the documents that you reviewed</p> <p>2 actually were Bates labeled with Caliber 000084,</p> <p>3 correct, and Caliber 000085 correct?</p> <p>4 A. 00084, 85 through 102, correct.</p> <p>5 Q. Okay. Did you review these documents in paper</p> <p>6 form or on computer screen?</p> <p>7 A. This -- this document in particular?</p> <p>8 Q. Yes.</p> <p>9 A. I reviewed on a computer screen.</p> <p>10 Q. Okay. On any -- did Exhibit 6, did you review</p> <p>11 on a computer screen?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And when you reviewed it, it had -- it</p> <p>14 was an exact picture of the document that was produced,</p> <p>15 right, with the Bates label on it?</p> <p>16 A. Yes, the Bates label.</p> <p>17 Q. Okay. You weren't reviewing in an Excel</p> <p>18 format, correct?</p> <p>19 A. I was not reviewing it in an Excel format,</p> <p>20 correct.</p> <p>21 Q. Okay.</p> <p>22 (Exhibit 8 marked for identification.)</p> <p>23 Q. (By Ms. Kellett) Okay. We're handing you</p> <p>24 what's been marked as Exhibit 8.</p> <p>25 A. (Peruses document.) Okay.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. Had you reviewed the production labeled Caliber</p> <p>2 8 through 26 prior to today's deposition?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And the documents that you reviewed had</p> <p>5 the Bates label at the bottom of the document; is that</p> <p>6 correct?</p> <p>7 A. Yes, they did.</p> <p>8 Q. Okay. What can you tell us about the Trevinos'</p> <p>9 account from Exhibit No. 8?</p> <p>10 MS. HAYWARD: Objection, form, based on the</p> <p>11 rule of optimal completeness.</p> <p>12 A. Just a moment. (Peruses document.) This is</p> <p>13 rather unclear. There's not a lot I can tell you about</p> <p>14 this document.</p> <p>15 Q. (By Ms. Kellett) All right. Did you print out</p> <p>16 these documents and paste them together, Exhibits 8, 6,</p> <p>17 7, 4, and 5?</p> <p>18 A. I did not.</p> <p>19 Q. Did you look at them all at once on five</p> <p>20 different monitors?</p> <p>21 A. No, I did not.</p> <p>22 Q. Okay. So after reviewing --</p> <p>23 MS. KELLETT: Let me strike that.</p> <p>24 Q. (By Ms. Kellett) How long did you review</p> <p>25 Exhibits 4, 5, 6, 7, and 8?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. And when did Caliber take over the</p> <p>2 servicing of this loan?</p> <p>3 A. I would say approximately -- well, I would have</p> <p>4 to see maybe a screenshot of something.</p> <p>5 Q. Okay. What screenshot would that be?</p> <p>6 A. I can give you what I recall.</p> <p>7 Q. Okay.</p> <p>8 A. Honestly, I can't remember if it was 2013 or</p> <p>9 2014 without reviewing the screenshot.</p> <p>10 Q. Okay. Do you know the name of the screen that</p> <p>11 you'd want to look?</p> <p>12 A. It's a floating screen. I believe you can see</p> <p>13 it on every page of Fiserv.</p> <p>14 Q. So you hit that, and then you get a screen</p> <p>15 which will show you when the loan was boarded?</p> <p>16 A. Correct.</p> <p>17 (Discussion off the record.)</p> <p>18 Q. (By Ms. Kellett) All right. So going back to</p> <p>19 the entry on November 9th, 2013, on Exhibit No. 3.</p> <p>20 A. Okay.</p> <p>21 Q. All right. So what does the entry that says</p> <p>22 "70 Breach Hold Placed-Expiration Date 2-6-14," what</p> <p>23 does that mean?</p> <p>24 A. I'd like to go back and answer that last</p> <p>25 question. This looks like a -- we boarded the loan in</p>
<p style="text-align: right;">Page 43</p> <p>1 A. (Peruses documents.) I don't have a set amount</p> <p>2 of time, but I review documents for cases. I review</p> <p>3 them over a course of days, so it could -- a few days.</p> <p>4 Q. Okay. And what did you learn having reviewed</p> <p>5 Exhibits 4, 5, 6, 7, and 8?</p> <p>6 A. Well, in reviewing those, information was quite</p> <p>7 vague.</p> <p>8 Q. You really couldn't tell anything about the</p> <p>9 Trevinos' account by reviewing the documents that</p> <p>10 comprise Exhibits 4, 5, 6, 7, and 8, correct?</p> <p>11 MS. HAYWARD: Objection, form.</p> <p>12 A. There was very little that I could decipher</p> <p>13 from those items.</p> <p>14 Q. (By Ms. Kellett) Do you know why those</p> <p>15 documents were produced in this case?</p> <p>16 A. Not specifically. I don't know -- excuse me.</p> <p>17 -- specifically why.</p> <p>18 Q. Okay. Let's go back to Exhibit No. 3. Okay.</p> <p>19 If you could turn to the very last page.</p> <p>20 A. Okay.</p> <p>21 Q. If you look, the first set of transactions, it</p> <p>22 looks like, appear on November 9th, 2013; is that</p> <p>23 correct?</p> <p>24 A. Yes. At the bottom of the page, if you were to</p> <p>25 put it in chronological order, yes, 11-9.</p>	<p style="text-align: right;">Page 45</p> <p>1 2013. To answer this current question, the breach hold,</p> <p>2 it indicates that we recently acquired a loan.</p> <p>3 Q. Okay. What does it mean "Expiration Date</p> <p>4 2-6-2014"?</p> <p>5 A. It means that on 2-6-2014, we'll proceed on the</p> <p>6 account as normal.</p> <p>7 Q. Okay. And what do the entries, or what does</p> <p>8 the code 70 mean? No. I'm sorry. Is that the teller?</p> <p>9 A. That appears to be the teller ID.</p> <p>10 Q. Is -- what does that mean exactly?</p> <p>11 A. Teller ID is the employee who initiated the</p> <p>12 transaction.</p> <p>13 Q. All right. All right. Is -- is there a</p> <p>14 transaction code for this breach hold? Is it DM?</p> <p>15 A. (Peruses document.) It appears to be DM.</p> <p>16 Q. All right. What does that mean?</p> <p>17 A. I believe we may have provided a list of codes.</p> <p>18 Once if I could review that list of codes, I may be able</p> <p>19 to answer that question.</p> <p>20 (Exhibit 9 marked for identification.)</p> <p>21 Q. (By Ms. Kellett) I'm showing you what's been</p> <p>22 marked as Exhibit No. 9 to your deposition. Do you</p> <p>23 recognize this document?</p> <p>24 A. (Peruses document.) Yes. It looks familiar.</p> <p>25 Q. All right. Is this a document that Caliber</p>

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<p style="text-align: right;">Page 46</p> <p>1 produced yesterday?</p> <p>2 A. I don't know that it was produced yesterday.</p> <p>3 Q. It has a Caliber Bates label at the bottom,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. All right.</p> <p>7 A. And the code for DM is here in black and white.</p> <p>8 Q. Okay. What page is it on?</p> <p>9 A. 870.</p> <p>10 Q. So it says that means delinquent message from</p> <p>11 delinquent loan contact; is that correct?</p> <p>12 A. This reads, "Delinquent messages from</p> <p>13 delinquent loan contact," that is correct.</p> <p>14 Q. All right. And what does the "N" next to it</p> <p>15 mean?</p> <p>16 A. Just a moment. (Peruses document.) That</p> <p>17 column indicates whether it's financial, yes or no.</p> <p>18 Q. Okay.</p> <p>19 A. The "N" stands for no.</p> <p>20 Q. Okay. What does the next column, PM400601,</p> <p>21 mean? And we're looking at Bates label Caliber 866.</p> <p>22 A. Okay. Are we still looking at Exhibit 3?</p> <p>23 Q. No. I'm sorry. We're on Exhibit 9.</p> <p>24 A. Oh, okay.</p> <p>25 Q. The codes, on Page 866.</p>	<p style="text-align: right;">Page 48</p> <p>1 would you look at again Exhibit No. 3?</p> <p>2 A. Sure.</p> <p>3 Q. Okay.</p> <p>4 A. All right.</p> <p>5 Q. Continuing on, there's some additional entries</p> <p>6 on November 9th, 2013. It has some information: "Plan</p> <p>7 Confirmed," and then there's "1605," and it says,</p> <p>8 "Completed 11-18-10." What does that mean?</p> <p>9 A. Plan confirmed, I can only make an assumption</p> <p>10 as to what that is, this not being a Caliber document.</p> <p>11 Q. Okay. This was produced by Caliber. Why do</p> <p>12 you say it's not a Caliber document?</p> <p>13 A. I don't see a Bates number at the bottom.</p> <p>14 Q. It was produced in electronic form yesterday at</p> <p>15 2:29.</p> <p>16 MS. HAYWARD: Let me clarify that this is a</p> <p>17 Caliber document that has been produced in a spreadsheet</p> <p>18 form. That's why there's no Bates number.</p> <p>19 THE WITNESS: Okay.</p> <p>20 A. Like, there's a bankruptcy involved, and a</p> <p>21 bankruptcy plan was confirmed.</p> <p>22 Q. (By Ms. Kellett) All right. Would -- would</p> <p>23 somebody at Caliber have entered this information for</p> <p>24 the entries on November 9th?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Page 866. Okay. And I'm sorry. Repeat the</p> <p>2 question.</p> <p>3 Q. Well, there's columns on this page. The first</p> <p>4 one's labeled "HST-TRAN." The next column is labeled</p> <p>5 "Description." The next column is labeled "Financial,"</p> <p>6 and then the next column is labeled "PM400601." What</p> <p>7 does that mean?</p> <p>8 A. Let me see. Just a moment. (Peruses</p> <p>9 document.) It's unclear what that -- that code means.</p> <p>10 I don't know.</p> <p>11 Q. All right. What about the column next to it?</p> <p>12 It says "PM400578." What does that mean?</p> <p>13 A. It's unclear for that one as well. I don't</p> <p>14 know.</p> <p>15 Q. All right. Let's go back to Exhibit No. 3.</p> <p>16 MS. HAYWARD: Karen, why don't we go ahead</p> <p>17 and take a break. He's been going for an hour and a</p> <p>18 half.</p> <p>19 MS. KELLETT: That's fine.</p> <p>20 THE VIDEOGRAPHER: We're off the record at</p> <p>21 10:28 a.m.</p> <p>22 (Recess from 10:28 a.m. to 10:44 a.m.)</p> <p>23 THE VIDEOGRAPHER: We're back on the record</p> <p>24 at 10:44 a.m.</p> <p>25 Q. (By Ms. Kellett) All right. If you could,</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. All right. And would that again be an employee</p> <p>2 with a -- a teller number of 70?</p> <p>3 A. It appears to be.</p> <p>4 Q. All right. And what does -- the second from</p> <p>5 the bottom, it says, "Approved for BKR 8-25-10." What</p> <p>6 does that mean?</p> <p>7 A. It means the loan was approved for bankruptcy</p> <p>8 August 25th of 2010.</p> <p>9 Q. Well, what does loan approved from bankruptcy</p> <p>10 mean?</p> <p>11 A. The borrower filed bankruptcy.</p> <p>12 Q. Okay. The very first -- I guess it's the last</p> <p>13 line on the page, but it's the first in the series.</p> <p>14 What do those numbers mean?</p> <p>15 A. The very last line on the page in the bottom</p> <p>16 right-hand corner?</p> <p>17 Q. Yes.</p> <p>18 A. I don't know what those mean.</p> <p>19 Q. All right. If we go up to November 15, 2013,</p> <p>20 there's two entries. The first one, and when I say</p> <p>21 "first," I'm going from the bottom up.</p> <p>22 A. Okay.</p> <p>23 Q. You understand that?</p> <p>24 A. I understand.</p> <p>25 Q. It says, "First HAZ Letter," and what does that</p>

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<p style="text-align: right;">Page 50</p> <p>1 mean?</p> <p>2 A. On which date again?</p> <p>3 Q. 11 -- I'm sorry, 11-12 of 2013.</p> <p>4 A. I don't recall specifically what that means.</p> <p>5 Q. Okay. Did you ask anybody other than in the</p> <p>6 legal department what that means?</p> <p>7 A. I did not.</p> <p>8 Q. All right. Right above that on 11-15-2 --</p> <p>9 2013, it says, "Section 404 notice mailed 10-30-13."</p> <p>10 What does that mean?</p> <p>11 A. I don't recall what the Section 404 notice is,</p> <p>12 but these are items that are mailed to the borrower when</p> <p>13 we're boarding loans.</p> <p>14 Q. Okay. So something was mailed to the borrower</p> <p>15 on this day?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Do you know if that's been produced</p> <p>18 in this lawsuit?</p> <p>19 A. I don't know if it's been produced. I mean, we</p> <p>20 can review the exhibits to see if there's a Section 404</p> <p>21 notice in there.</p> <p>22 Q. Okay. But you don't know without reviewing the</p> <p>23 production if it's been produced or not?</p> <p>24 A. I don't know.</p> <p>25 Q. Okay. Okay. Above that, there's a series of</p>	<p style="text-align: right;">Page 52</p> <p>1 recovered on the account.</p> <p>2 Q. Okay. But who ultimately will -- will pay the</p> <p>3 amounts? Who are you recovering the amounts from?</p> <p>4 A. That's kind of a catchy question because this</p> <p>5 is a bankruptcy account, so we wouldn't be recovering</p> <p>6 those from the borrower in an active bankruptcy, but the</p> <p>7 amounts may be due to the account.</p> <p>8 Q. Well, you're recovering money from the Chapter</p> <p>9 13 trustee, correct?</p> <p>10 A. The payments come in, correct.</p> <p>11 Q. Okay. Do you know where the Chapter 13 trustee</p> <p>12 gets the money to make the payments to Caliber?</p> <p>13 A. I believe payments come from the borrower.</p> <p>14 Q. All right. Okay. So, ultimately, the payments</p> <p>15 are coming from the borrower?</p> <p>16 A. If you put it in that way, ultimately, yes.</p> <p>17 Q. Right. And the borrowers still make their own</p> <p>18 normal monthly mortgage payment during the bankruptcy,</p> <p>19 correct?</p> <p>20 A. There's a pay -- payment plan that's set out,</p> <p>21 and they make their payments to the trustee, and some of</p> <p>22 that goes to the mortgage, yes.</p> <p>23 Q. Now, and in this case, the Chapter 13 trustee</p> <p>24 was paying both the deficiency claim of Caliber and the</p> <p>25 ongoing monthly mortgage payments, correct?</p>
<p style="text-align: right;">Page 51</p> <p>1 entries on the date of November 19th, 2013. Do you see</p> <p>2 those?</p> <p>3 A. On which dates again?</p> <p>4 Q. November 19th, 2013.</p> <p>5 A. And in which line?</p> <p>6 Q. All the lines here, what is --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- what are these entries telling us?</p> <p>9 A. (Peruses document.) It looks like it's giving</p> <p>10 us a list of recoverable and nonrecoverable amounts.</p> <p>11 Q. Okay. And what are recoverable amounts?</p> <p>12 A. I -- just as you mentioned, amounts that we can</p> <p>13 recover.</p> <p>14 Q. Recover from the borrower?</p> <p>15 A. From the account.</p> <p>16 Q. Well, who pay -- who's paying the money? The</p> <p>17 borrower?</p> <p>18 A. Who -- well, this looks like there was a</p> <p>19 bankruptcy confirmed, so we wouldn't be asking the</p> <p>20 borrower to pay anything.</p> <p>21 Q. Well, I'm asking you just generally when</p> <p>22 Caliber uses the word or an employee uses the word</p> <p>23 "recoverable" in these notes, what does it mean to</p> <p>24 Caliber that something's recoverable?</p> <p>25 A. I mean, there's amounts that are able to be</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Repeat the question, please.</p> <p>2 MS. KELLETT: Go ahead.</p> <p>3 (Requested portion was read.)</p> <p>4 A. Excuse me. I haven't reviewed the payments</p> <p>5 from the trustee, so I don't know the details.</p> <p>6 Q. (By Ms. Kellett) Okay. Well, when it says</p> <p>7 nonrecoverable \$75, what does that mean?</p> <p>8 A. It just means it's nonrecoverable.</p> <p>9 Q. Okay.</p> <p>10 A. That we may never see that \$75.</p> <p>11 Q. Okay. And how is it indicated on the account</p> <p>12 other than here that the amount is nonrecoverable?</p> <p>13 MS. HAYWARD: Objection, form.</p> <p>14 A. To my knowledge, all that I can recall is that</p> <p>15 this is -- this is how we can determine that it's non-</p> <p>16 recoverable.</p> <p>17 Q. (By Ms. Kellett) Right. If there is an</p> <p>18 accounting item, would this be recorded? You said --</p> <p>19 you said there was a -- information on fees in the</p> <p>20 Fiserv, correct?</p> <p>21 A. Right.</p> <p>22 Q. Okay. Would you see this amount in the screens</p> <p>23 looking at fees for Fiserv?</p> <p>24 A. Yes. You should see that amount.</p> <p>25 Q. Okay. And is there a special code that means</p>

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<p style="text-align: right;">Page 54</p> <p>1 if it's recoverable or nonrecoverable?</p> <p>2 A. That -- can I see a copy of the transaction</p> <p>3 history, or do I have it?</p> <p>4 Q. No.</p> <p>5 A. Oh, okay.</p> <p>6 (Discussion off the record.)</p> <p>7 (Exhibit 10 marked for identification.)</p> <p>8 Q. (By Ms. Kellett) Okay. I'm handing you a</p> <p>9 document that we've labeled Exhibit 10 for your</p> <p>10 deposition. I'll represent to you that this is a</p> <p>11 printout of a spreadsheet that was produced yesterday</p> <p>12 afternoon at 2:29. Are you familiar with the</p> <p>13 information on this spreadsheet?</p> <p>14 A. This looks familiar.</p> <p>15 Q. Okay. It was under a -- a tab called "CFPB</p> <p>16 Format." Are you familiar with that?</p> <p>17 A. CFPB format?</p> <p>18 Q. Format.</p> <p>19 A. TFPB -- CFPB rings a bell.</p> <p>20 Q. Okay. What is CFPB?</p> <p>21 A. I believe it's Consumer Finance Protection</p> <p>22 Bureau.</p> <p>23 Q. Okay. Okay. But you reviewed this spread-</p> <p>24 sheet?</p> <p>25 A. Yes. It looks similar to what I reviewed.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. What dates?</p> <p>2 A. 11-19 specifically, which may not be on this</p> <p>3 spreadsheet because it's a nonrecoverable.</p> <p>4 Q. All right. But there is a place that you can</p> <p>5 look and see all the recoverable and nonrecoverable fees</p> <p>6 on an account, correct?</p> <p>7 A. Yeah. I'm looking at it here on this.</p> <p>8 Q. I mean, is there a -- a database where you can</p> <p>9 view just the fees on the account?</p> <p>10 A. Yes. We do have a -- a fee review screen.</p> <p>11 Q. Okay. And you could see -- and the fees are</p> <p>12 coded as either recoverable or nonrecoverable, correct?</p> <p>13 A. I don't recall the specifics of that screen. I</p> <p>14 would actually have to go to that screen and see if that</p> <p>15 information is available.</p> <p>16 Q. Okay. Well, let's go back and look at No. 10</p> <p>17 for a minute.</p> <p>18 A. Okay.</p> <p>19 Q. There's an entry on 11-9. It says, "Amount to</p> <p>20 UF, \$864.72." What does that mean?</p> <p>21 A. On which date again?</p> <p>22 Q. The first date, 11-9-2013.</p> <p>23 A. The first date at the top, correct, not from</p> <p>24 the bottom?</p> <p>25 Q. Yes, at the top.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Did you review it in spreadsheet format, or did</p> <p>2 you review a printed version?</p> <p>3 A. I reviewed both.</p> <p>4 Q. All right.</p> <p>5 A. (Peruses document.) There's a question still</p> <p>6 pending?</p> <p>7 Q. Yes. It was about the -- the \$75.</p> <p>8 MS. KELLETT: Can you find that.</p> <p>9 (Requested portion was read.)</p> <p>10 A. I answered that question.</p> <p>11 MS. KELLETT: Well, let me just strike it,</p> <p>12 and I'll -- I'll reask.</p> <p>13 A. Okay.</p> <p>14 Q. (By Ms. Kellett) Okay. You said the \$75 would</p> <p>15 show up in the -- the fees screen, correct?</p> <p>16 A. I said it would show up in the transaction</p> <p>17 history, correct.</p> <p>18 Q. Okay. And is this the transaction history</p> <p>19 that's Exhibit No. 10?</p> <p>20 A. It looks like it might be a transaction</p> <p>21 history, a portion thereof.</p> <p>22 Q. All right. Can you show me where the \$75 is</p> <p>23 indicated as nonrecoverable?</p> <p>24 A. (Peruses documents.) It looks like we're</p> <p>25 missing dates.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Okay. All right. The first date, 11-9, you</p> <p>2 said administrative adjustments?</p> <p>3 Q. Yes.</p> <p>4 A. "Amount to UF." Just a moment. I think I know</p> <p>5 what UF is, but let me --</p> <p>6 Q. Sure.</p> <p>7 A. (Peruses document.) Right, unapplied.</p> <p>8 Q. Okay. What does unapplied mean?</p> <p>9 A. There's an amount sitting on the account that</p> <p>10 has not been applied to any of the balances.</p> <p>11 Q. Okay. And who made the decision to place the</p> <p>12 \$864.72 into unapplied?</p> <p>13 A. I don't know.</p> <p>14 Q. Well, why would an amount not be applied?</p> <p>15 A. There was a payment that wasn't enough to cure</p> <p>16 the balance. That's one reason.</p> <p>17 Q. Is unapplied like a suspense account?</p> <p>18 A. Yes. Unapplied is like an expense -- suspense</p> <p>19 account.</p> <p>20 Q. All right. Then there's the next line says,</p> <p>21 "Uncollected interest or late charge," and then to the</p> <p>22 right, it's got, "Amount to LTC, negative \$1,024.80."</p> <p>23 Do you see that?</p> <p>24 A. Yes, "Uncollected interest or late charge.</p> <p>25 Amount to LTC." Just a moment. (Peruses document.)</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Right, which, yeah, if the fee has not been 2 waived, then at the time of the payoff, the borrower 3 will pay those fees, correct? 4 A. Correct, and then we'll release the -- the 5 mortgage. 6 Q. Release the lien? 7 A. The lien. 8 Q. All right. Okay. So if we go down, there's 9 four entries also on 11-9. They're entitled "Fees 10 billed." One's for 7,845.60. Do you see that? 11 A. Yes. I see it. 12 Q. Okay. Is that actually fees that were billed 13 by Caliber, or did those come over from the prior 14 servicer? 15 A. Just a moment. (Peruses documents.) 16 (Discussion off the record.) 17 A. These will be fees that came from the prior 18 servicer. 19 Q. (By Ms. Kellett) And the same thing with the 20 12,649.86: Did those come from the prior servicer? 21 A. This would also have come from the prior 22 servicer. 23 Q. And what about the \$12.50 and the \$50? Would 24 those come from the prior servicer? 25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 64</p> <p>1 owes those funds? 2 A. It means that the account is due those funds. 3 Q. Okay. The account is due those funds? 4 A. True. 5 Q. Right. And unless they're waived at -- at 6 payoff, those funds must be repaid for the lien to be 7 released, correct? 8 MS. HAYWARD: Objection to form. 9 A. That is correct. 10 Q. (By Ms. Kellett) All right. So you said this 11 came from the prior servicer. How does Caliber know 12 what kind of items comprise this 7,845.60? 13 A. We receive a file from the previous servicer. 14 Q. What's in the file? 15 A. The detailed payment breakdowns. 16 Q. Of the amounts that comprise the \$7,845? 17 A. Correct. There should be something that 18 details the amount of \$7,845. 19 Q. Okay. Did you review that file with respect 20 to the \$7,845.60? 21 A. No, I did not. 22 Q. But you could find it and review it, correct? 23 A. Yes, I could. 24 Q. Do you know why that file wasn't produced in 25 this case?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. \$12.50 would have come from the prior servicer. 2 (Peruses documents.) The \$50 would have come from the 3 prior servicer. 4 (Discussion off the record.) 5 Q. (By Ms. Kellett) All right. Let me go ahead 6 and -- 7 (Discussion off the record.) 8 (Exhibit 11 marked for identification.) 9 Q. (By Ms. Kellett) Let me go ahead and introduce 10 Exhibit No. 11, and I'll represent that this is a 11 printout taped together of a spreadsheet that was 12 produced on June 6, 2016. Did you review the 13 spreadsheet that was produced on June 6, 2016? 14 A. Yes. 15 Q. Did you review it on a computer screen or on 16 paper? 17 A. On a mixture of both. 18 Q. Okay. When it was on paper, did you tape it 19 together like we've done here? 20 A. I did not; however, the computer printout shows 21 the same information as this taped version. 22 Q. Okay. So you said these dollar amounts came 23 from the prior servicer. Does it -- is it showing -- 24 if an -- an amount like the 7,845.60 is in the column 25 saying "Amount to Fees," does that mean that the debtor</p>	<p style="text-align: right;">Page 65</p> <p>1 MS. HAYWARD: Objection, form. 2 A. I don't know. 3 Q. (By Ms. Kellett) All right. So if you go 4 across on Exhibit No. 11 -- 5 A. Uh-huh. 6 Q. -- there's a column that says, "Fee Code, 164" 7 and "Fee Description, Corporate ADV 3 FPTAX." Do you 8 see that? It's way over on the right. 9 A. (Peruses document.) Fee code and fee 10 description? 11 Q. Yes. 12 A. Yes. 13 Q. Okay. What -- what do those -- what does the 14 fee code and the fee description mean with respect to 15 this transaction? 16 A. (Peruses document.) I wonder if those codes 17 are in here. Give me just a moment. (Peruses 18 document.) Is there anything in production that breaks 19 down the fee codes? 20 Q. And what was produced yesterday that's Exhibit 21 No. 9 is the only production we received with respect to 22 codes. 23 A. Yeah, and these are alpha codes. I don't see 24 any numeric codes. I don't know what those codes are. 25 Q. Okay. Did you -- did you do anything to -- to</p>

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<p style="text-align: right;">Page 66</p> <p>1 find out what the -- the codes were?</p> <p>2 A. No; however, the fee description on the two</p> <p>3 lines that we were referring to are referring to taxes</p> <p>4 and insurance.</p> <p>5 Q. All right. So the first line, does this mean</p> <p>6 that \$7,845.60 were for taxes?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And \$12,649.86 were for force-</p> <p>9 placed insurance; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. With respect to the 12,649.86, did you</p> <p>12 review the file with the detailed payments from the</p> <p>13 prior servicer?</p> <p>14 A. I did not.</p> <p>15 Q. But you could obtain that and review it,</p> <p>16 correct?</p> <p>17 A. Yes. We could obtain that.</p> <p>18 Q. All right. Did you do anything to tell exactly</p> <p>19 which taxes and which insurance payments were made that</p> <p>20 comprise these amounts of \$7,845.60 and \$12,649.86?</p> <p>21 THE WITNESS: Repeat the question once</p> <p>22 more, please.</p> <p>23 (Requested portion was read.)</p> <p>24 A. No. I didn't -- I didn't do anything to add up</p> <p>25 those amounts or determine where they stemmed from.</p>	<p style="text-align: right;">Page 68</p> <p>1 review of the 3002, I -- I don't know.</p> <p>2 Q. (By Ms. Kellett) Okay. Who would know the</p> <p>3 answer to that question?</p> <p>4 A. Someone from our bankruptcy department.</p> <p>5 (Discussion off the record.)</p> <p>6 (Exhibit 12 marked for identification.)</p> <p>7 Q. (By Ms. Kellett) I'm handing you what's been</p> <p>8 marked as Exhibit No. 12. Can you please review that</p> <p>9 document?</p> <p>10 A. Sure. Just a moment. (Peruses document.)</p> <p>11 (Discussion off the record.)</p> <p>12 A. Okay.</p> <p>13 Q. (By Ms. Kellett) And do you recognize this</p> <p>14 document?</p> <p>15 A. I haven't seen this one.</p> <p>16 Q. All right.</p> <p>17 (Exhibit 13 marked for identification.)</p> <p>18 Q. (By Ms. Kellett) Let me give you Exhibit No.</p> <p>19 13.</p> <p>20 A. (Peruses document.)</p> <p>21 (Discussion off the record.)</p> <p>22 Q. (By Ms. Kellett) And do you recognize this</p> <p>23 document?</p> <p>24 A. Just a moment.</p> <p>25 Q. Okay. Sure.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. (By Ms. Kellett) Okay. What does -- if you</p> <p>2 know, and you may not, but what does Caliber do to</p> <p>3 ensure that amounts that it brings over from the prior</p> <p>4 servicer are, in fact, owed by the borrower?</p> <p>5 A. We do a detailed system of checks and balances</p> <p>6 during our boarding process.</p> <p>7 Q. And what does that entail?</p> <p>8 A. In a nutshell, during our boarding, we'll do</p> <p>9 three quality control reviews. During each -- each</p> <p>10 review, we'll do a conference call with the previous</p> <p>11 servicer. If no discrepancies are found during the</p> <p>12 first review, then we'll move on to the second review.</p> <p>13 If no discrepancies are found in the second review, then</p> <p>14 we'll move on to the final review.</p> <p>15 Q. Okay. And what type of discrepancies might</p> <p>16 there be?</p> <p>17 A. Something as simple as an address change or</p> <p>18 a -- a phone number change.</p> <p>19 Q. Okay. With respect to accounts for debtors in</p> <p>20 bankruptcy, does Caliber review the three -- 3002.1</p> <p>21 notices that have been filed by the previous servicer?</p> <p>22 A. Just a moment.</p> <p>23 (Discussion off the record.)</p> <p>24 A. That would be a review that's conducted by our</p> <p>25 bankruptcy department. If their review includes a</p>	<p style="text-align: right;">Page 69</p> <p>1 A. (Peruses document.) I haven't seen this one</p> <p>2 either.</p> <p>3 Q. All right. Did you review any of the</p> <p>4 bankruptcy pleadings in the Trevinos' bankruptcy case</p> <p>5 in preparation for your deposition?</p> <p>6 A. Yes. We skimmed through it.</p> <p>7 Q. Okay. But you didn't look at these -- either</p> <p>8 of these notices?</p> <p>9 A. I -- I didn't see these notices.</p> <p>10 Q. Okay. Which documents from the bankruptcy did</p> <p>11 you look at?</p> <p>12 A. I forget what it's called. It was -- we</p> <p>13 reviewed your answer or your response or your -- the</p> <p>14 affirmative defenses.</p> <p>15 THE WITNESS: Or what was name of that</p> <p>16 document we reviewed?</p> <p>17 Q. (By Ms. Kellett) Well, I'm -- I'm asking from</p> <p>18 the -- the actual bankruptcy case. Did you review any</p> <p>19 of the things like the plan in the bankruptcy case or</p> <p>20 the proof of claim?</p> <p>21 A. Oh, no. I didn't review the plan.</p> <p>22 Q. Okay. Did you review the proof of claim filed</p> <p>23 by the predecessor servicer?</p> <p>24 A. No. I didn't review the proof of claim either.</p> <p>25 Q. So going back to Exhibits 12 and 13 --</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. Okay.</p> <p>2 Q. -- Exhibit No. 12 shows \$3,230.43 of hazard</p> <p>3 insurance from September 21st, 2012. Do you see that?</p> <p>4 A. Let's see. I see -- yes, I see that.</p> <p>5 Q. All right. Do you know if that amount is</p> <p>6 included in the 7,840 -- I'm sorry, in the \$12,649.86 in</p> <p>7 force-placed insurance showing up on Exhibit 11 when the</p> <p>8 loan was boarded?</p> <p>9 A. (Peruses documents.) That, I don't know. To</p> <p>10 my knowledge, that amount has been resolved since then,</p> <p>11 though.</p> <p>12 Q. I'm -- I'm just --</p> <p>13 MS. KELLETT: Can you repeat the question.</p> <p>14 I'm sorry.</p> <p>15 (Requested portion was read.)</p> <p>16 MS. KELLETT: And the response was?</p> <p>17 (Requested portion was read.)</p> <p>18 MS. KELLETT: Move to strike everything</p> <p>19 past, "I don't know."</p> <p>20 Q. (By Ms. Kellett) Okay. With respect to</p> <p>21 Exhibit 13, if you could look at that.</p> <p>22 A. Okay.</p> <p>23 Q. All right. This is showing taxes for 2010 and</p> <p>24 taxes for 2012 incurred on 4-22-2013. Do you see that?</p> <p>25 A. Yes, I do.</p>	<p style="text-align: right;">Page 72</p> <p>1 believe that it's been resolved.</p> <p>2 Q. Caliber's withdrawn Exhibit No. 13, the notice</p> <p>3 that was Exhibit No. 13?</p> <p>4 A. The 3002 notice. I'm not sure if it -- it was</p> <p>5 Exhibit No. 13. I didn't see the notice, so I couldn't</p> <p>6 tell you if it was this specific exhibit.</p> <p>7 Q. Well, this is the exhibit that has 2010 taxes</p> <p>8 on it, correct?</p> <p>9 MS. HAYWARD: Objection, form.</p> <p>10 Q. (By Ms. Kellett) Well, does this exhibit show</p> <p>11 2010 taxes?</p> <p>12 A. It does show 2010 taxes.</p> <p>13 Q. Okay. And you said you don't know whether this</p> <p>14 number of \$2,933.83 is included within the dollar amount</p> <p>15 \$7,845.60, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. All right. And you say you believe that</p> <p>18 Caliber filed a withdrawal of what is Exhibit No. 13;</p> <p>19 is that correct?</p> <p>20 MS. HAYWARD: Objection, form, misstating</p> <p>21 the evidence.</p> <p>22 A. I've never seen --</p> <p>23 MS. HAYWARD: His testimony.</p> <p>24 A. -- Exhibit 13 or the withdrawal.</p> <p>25 Q. (By Ms. Kellett) Okay. Well --</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Do you know if these taxes were part of</p> <p>2 the 12,000 -- I'm sorry, 7,845.60 in corporate advance</p> <p>3 taxes showing up on Exhibit No. 11 when the Trevinos'</p> <p>4 loan was boarded with Caliber?</p> <p>5 A. I don't know.</p> <p>6 Q. In particular, the tax for the tax year 2010,</p> <p>7 do you see it shows an amount of \$2,933.83? Do you see</p> <p>8 that?</p> <p>9 A. I do.</p> <p>10 Q. Do you know if that amount is included within</p> <p>11 the \$7,845.60 shown for taxes when this loan was boarded</p> <p>12 with Caliber?</p> <p>13 A. No. I don't have the details of -- of that</p> <p>14 amount; however, to my knowledge, this tax amount for</p> <p>15 2010 has been resolved.</p> <p>16 Q. Okay.</p> <p>17 MS. KELLETT: Move to strike everything.</p> <p>18 Can you reread his question (sic).</p> <p>19 (Requested portion was read.)</p> <p>20 Q. (By Ms. Kellett) Okay. How do you know it's</p> <p>21 been resolved?</p> <p>22 A. Well, and to my knowledge, Caliber has</p> <p>23 withdrawn the 3002 notice and with specific verbiage</p> <p>24 in there saying that we have no interest in collecting</p> <p>25 money that we're not entitled to, so that leads me to</p>	<p style="text-align: right;">Page 73</p> <p>1 A. But it was represented to me that it -- that</p> <p>2 we did withdraw the 3002.</p> <p>3 Q. Okay. Who represented that to you?</p> <p>4 A. Counsel.</p> <p>5 Q. Okay. So did you review the docket sheet in</p> <p>6 this case to see which -- at what point in time the 3002</p> <p>7 notice was withdrawn?</p> <p>8 A. No, I didn't.</p> <p>9 (Discussion off the record.)</p> <p>10 Q. (By Ms. Kellett) Okay. So you don't know</p> <p>11 whether or not that this particular 3002.1 notice filed</p> <p>12 on 7-24-2013, this document No. 82, was actually</p> <p>13 withdrawn by Caliber, correct?</p> <p>14 A. I don't know if this specific notice was</p> <p>15 withdrawn by Caliber.</p> <p>16 Q. Okay. And Caliber didn't file this notice,</p> <p>17 did it?</p> <p>18 MS. HAYWARD: Objection, form. The witness</p> <p>19 has already testified that he's never seen this document</p> <p>20 before.</p> <p>21 Q. (By Ms. Kellett) Do you know if Caliber filed</p> <p>22 this, this notice, with the Court?</p> <p>23 A. To my knowledge, this was filed by the previous</p> <p>24 servicer.</p> <p>25 Q. All right. All right. Let's go back to</p>

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<p style="text-align: right;">Page 74</p> <p>1 Exhibit No. 3.</p> <p>2 A. (Complies.)</p> <p>3 Q. When a loan is boarded, are there notes made</p> <p>4 in Caliber's system?</p> <p>5 A. Yes. When the loan was boarding -- boarded,</p> <p>6 there are notes made.</p> <p>7 Q. Okay. What kind of notes are usually made when</p> <p>8 the loan is boarded?</p> <p>9 A. If you can go with me to Exhibit 3, the last</p> <p>10 page on 11-9?</p> <p>11 Q. Yes.</p> <p>12 A. That's an example of the notes that are made</p> <p>13 when the loan's boarded.</p> <p>14 Q. All right. Normally, does -- are there some</p> <p>15 notes made about the fees that are boarded onto the</p> <p>16 account from the previous servicer?</p> <p>17 A. If you can, same exhibit, same page, reference</p> <p>18 to the fees are also on this page.</p> <p>19 Q. Where is that?</p> <p>20 A. The recoverable and nonrecoverable fees that</p> <p>21 we discussed earlier.</p> <p>22 Q. Okay.</p> <p>23 A. I'm sorry.</p> <p>24 THE WITNESS: Can I take a break? I need</p> <p>25 to step outside for a second.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Well, I'm -- I'm asking about when they were</p> <p>2 boarded onto the account on November 9th, 2013.</p> <p>3 A. I don't see a discussion about that amount. I</p> <p>4 would believe those -- those discussions happened during</p> <p>5 the conference call, which I wasn't privy to.</p> <p>6 Q. I'm sorry. What conference call?</p> <p>7 A. The conference call that we have when we're</p> <p>8 boarding loans.</p> <p>9 Q. All right. Do you normally put down notes of</p> <p>10 the fees that you're boarding?</p> <p>11 A. I wouldn't say that's normal because here I</p> <p>12 don't see notes about the fees that we're boarding.</p> <p>13 Q. I think you testified earlier that when amounts</p> <p>14 are added to or taken from an account, there should be</p> <p>15 notations made about it in the notes; is that correct?</p> <p>16 A. Right. After the loan was boarded --</p> <p>17 Q. Uh-huh.</p> <p>18 A. -- and we are servicing the loan, then, yes,</p> <p>19 we would begin to note the account.</p> <p>20 Q. All right. So -- so to find out the exact,</p> <p>21 I guess, payments for which these fees billed are</p> <p>22 comprised of, you need to look at these files that you</p> <p>23 earlier testified, right, that come in when the loan</p> <p>24 is boarded?</p> <p>25 A. Repeat the question for me, please.</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. KELLETT: He had finished the -- yeah,</p> <p>2 sure.</p> <p>3 THE VIDEOGRAPHER: We're off the record</p> <p>4 11:39 a.m.</p> <p>5 (Recess from 11:39 a.m. to 11:52 a.m.)</p> <p>6 THE VIDEOGRAPHER: We're back on the record</p> <p>7 at 11:52 a.m.</p> <p>8 MS. KELLETT: All right. Can you read my</p> <p>9 last question.</p> <p>10 (Requested portion was read.)</p> <p>11 Q. (By Ms. Kellett) Okay. Okay. So if you could</p> <p>12 look at Exhibit 3.</p> <p>13 A. Okay.</p> <p>14 Q. And also at Exhibit either 11 or 10.</p> <p>15 A. I'll grab 'em both.</p> <p>16 Q. Okay.</p> <p>17 A. All right.</p> <p>18 Q. All right. Where on the -- where on the 9th</p> <p>19 is there a discussion of the amounts of \$7,845.60,</p> <p>20 \$12,649.86, \$12.50, and \$50?</p> <p>21 A. Where are those discussions?</p> <p>22 Q. Yes, on Exhibit No. 3.</p> <p>23 A. Just a moment, please. (Peruses document.) If</p> <p>24 you'll pardon me, I'm gonna have to go through every</p> <p>25 page to see if there was a discussion.</p>	<p style="text-align: right;">Page 77</p> <p>1 MS. KELLETT: Can you repeat the question.</p> <p>2 (Requested portion was read.)</p> <p>3 MS. KELLETT: I'll withdraw the question.</p> <p>4 Sorry.</p> <p>5 Q. (By Ms. Kellett) You mentioned that there's a</p> <p>6 detailed payment file from the prior servicer, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that would detail the composition of these</p> <p>9 amounts we've been discussing of the 7,845.60, the</p> <p>10 12,659 -- I'm sorry, 649.86, the \$12.50, and the \$50,</p> <p>11 correct?</p> <p>12 A. Correct. The amounts that we reviewed are</p> <p>13 broken down and are able to be found within our system,</p> <p>14 yes.</p> <p>15 Q. All right. And you could retrieve those for</p> <p>16 us, correct?</p> <p>17 A. Absolutely.</p> <p>18 Q. All right. Okay. Let's go up now to the 11-25</p> <p>19 entry on Exhibit 3, and if you look, it starts on the</p> <p>20 previous page, so there's a lot of entries for 11-25-13.</p> <p>21 Could you review those?</p> <p>22 A. Sure. Just a moment. (Peruses document.)</p> <p>23 Okay.</p> <p>24 Q. Okay. And if we look still on the very first</p> <p>25 page or very last page of Exhibit 3, at the top of the</p>

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<p style="text-align: right;">Page 78</p> <p>1 page, it's got four lines. It says, "System updated for 2 the following event: User has created a Process-Level 3 issue for this loan. Issue Type: BK AACER Review. 4 I-S." 5 A. Okay. 6 Q. Where is the rest of the word after I-S? 7 A. Well, just a moment. (Peruses document.) 8 Hmmm. Well, a couple things about that I-S: I mean, 9 that could be someone's initials. That's one. Also, 10 when this particular set of notes was entered in the 11 system, sometimes the sentences are incomplete, and you 12 have to kind of decipher, you know, from one sentence 13 to the next. 14 Q. Okay. But the rest of the sentence is gonna 15 be somewhere in the notes, correct? 16 A. If this is the beginning of a sentence, yes. 17 Q. Okay. And you can't tell from this whether 18 this is a beginning of a sentence or not? 19 A. Well, it does say "is," I-S, but that could 20 also stand for someone's initials. I tried to connect 21 it to some of the other lines that I see here. I mean, 22 I can connect it to a couple of these lines here. 23 Q. Okay. Which ones? 24 A. On the page before last, the second entry. 25 Q. Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 nutshell. 2 Q. Well, it speaks about a transfer of claim, 3 "Transfer Agreement 3001 (e) 4." Do you know what that 4 is? 5 A. What line are you on? 6 Q. The third from the bottom. 7 A. On the last page? 8 Q. Second-to-the-last page, four and three up. 9 A. "Transfer Agreement 3001 (e) 4." Well, just 10 the line below that shows, "Transferor: HSBC Mortgage 11 Services," so I'm assuming it has something do with the 12 service transfer. 13 Q. All right. It talks about a fee of \$25. Do 14 you see that? And also up on 12-27 as well. 15 A. I see that. 16 Q. What kind of fee is this? 17 A. I don't know what type of fee this is. 18 Q. Okay. Do you know if it's recoverable from the 19 borrower? 20 A. Just a moment. (Peruses document.) I don't 21 know if that's recoverable from the borrower. 22 Q. All right. How would you find that out? 23 A. I can review and dig a little deeper to see 24 what -- if that amount is recoverable. 25 Q. Okay. What would you review to determine that?</p>
<p style="text-align: right;">Page 79</p> <p>1 A. 11-25, the second entry from the top. 2 Q. Uh-huh. 3 A. It says, "Active," standing there by its 4 lonesome. It could be -- it could mean is active. A 5 couple lines down? 6 Q. Uh-huh. 7 A. Let's see. One, two, three, four, five from 8 the top -- from the bottom? 9 Q. Yeah. 10 A. It could be -- it says, "sue Comments." That 11 could be issue comments, so... 12 Q. All right. If you were looking at this on the 13 computer screen, could you tell which one it went to? 14 A. Well, I've had my experience in putting these 15 things together, so I probably could. 16 Q. Okay. But you're not sure on this spreadsheet, 17 correct? 18 A. No. I'm not positive. As I mentioned, 19 there's, you know, a few different explanations of why 20 that's sitting there by its lonesome. 21 Q. All right. If -- what's going on here with 22 these entries? What's -- what is this describing for 23 the viewer of this information? 24 A. I think these are -- (peruses documents.) It 25 looks like someone's reviewing this file, just in a</p>	<p style="text-align: right;">Page 81</p> <p>1 A. First I would see what the \$25 is for, and then 2 I'd go from there. 3 Q. And how would you find out what the \$25 was 4 for? 5 A. I'd speak to the teller ID that entered this 6 note. 7 Q. Okay. But you hadn't done that in preparation 8 for your deposition, correct? 9 A. No, I haven't. 10 Q. Okay. Let's go to the entry above it on 11 December 10, 2013. 12 A. December 10th. Okay. 13 Q. So going down towards the bottom, it says -- 14 there's a date that's been entered, and it says 15 12-10-13, so is that when the entry was made, at 6:15, 16 or I'm sorry, 16:15? 17 A. 12-10-13, 16:15, and next to that, it says -- 18 there's a line -- a number 34107, the same line? 19 Q. Yes. 20 A. Okay. And I'm sorry. Repeat the question. 21 Q. You know what? Let me -- let me strike that. 22 What does the 34107 mean? 23 A. (Peruses document.) Just to make notice that 24 I see five-digit numbers floating after several line 25 items --</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. Uh-huh.</p> <p>2 A. -- throughout this sheet. I don't know</p> <p>3 specifically what those five-digit numbers are. I can</p> <p>4 make an assumption, which I prefer not to.</p> <p>5 Q. All right. Did you ask anybody in preparing</p> <p>6 for the deposition what the numbers mean?</p> <p>7 A. No, I did not.</p> <p>8 Q. All right. With respect to what's going on, on</p> <p>9 12-10-2013, what information would the reader of these</p> <p>10 notes obtain about --</p> <p>11 A. On which date again?</p> <p>12 Q. 12-10 of 2013.</p> <p>13 A. So that entire sequence of 12-10-2013? Let me</p> <p>14 see. (Peruses document.) Well, I'm not a -- it seems</p> <p>15 to be a bankruptcy note, and I'm not a bankruptcy</p> <p>16 specialist, so I'm not sure what the details of these</p> <p>17 notes are or what the meaning of these notes are.</p> <p>18 Q. Okay. Did you talk to any bankruptcy person</p> <p>19 about what these notes meant in preparation for your</p> <p>20 deposition today?</p> <p>21 A. No, I didn't.</p> <p>22 Q. Okay. At the bottom, the very first entry,</p> <p>23 which is the lowest one closest to the bottom on</p> <p>24 12-13-2010, it says -- well, let me go up four lines,</p> <p>25 "System updated for the following event: User has</p>	<p style="text-align: right;">Page 84</p> <p>1 shorthand.</p> <p>2 Q. In shorthand that other people could</p> <p>3 understand?</p> <p>4 A. Absolutely.</p> <p>5 Q. Correct?</p> <p>6 A. Correct.</p> <p>7 MS. HAYWARD: Karen, can we go off the</p> <p>8 record for a second?</p> <p>9 MS. KELLETT: No.</p> <p>10 Q. (By Ms. Kellett) All right.</p> <p>11 MS. HAYWARD: Okay. Well, then, we can</p> <p>12 have the discussion on the record if you'd like. I</p> <p>13 mean, it's very --</p> <p>14 MS. KELLETT: I'm -- I'm -- I'm --</p> <p>15 MS. HAYWARD: Okay.</p> <p>16 MS. KELLETT: -- questioning the witness,</p> <p>17 Melissa. This is my deposition that I get to question</p> <p>18 the witness, okay, so I'd appreciate if you don't --</p> <p>19 MS. HAYWARD: If I not speak to you</p> <p>20 about --</p> <p>21 MS. KELLETT: Right, right.</p> <p>22 MS. HAYWARD: -- to try to clarify and --</p> <p>23 and short-circuit this --</p> <p>24 MS. KELLETT: No.</p> <p>25 MS. HAYWARD: -- so we don't spend eight</p>
<p style="text-align: right;">Page 83</p> <p>1 created a Process-Level issue for this loan. Issue</p> <p>2 Type: BK Action Stop," and then a little "I" with two</p> <p>3 dots and "Ot." What does that mean?</p> <p>4 A. (Peruses document.) Again, I'm not a</p> <p>5 bankruptcy specialist, so I'd have to reach out to that</p> <p>6 teller ID to ask what that is, without assuming.</p> <p>7 Q. Okay. If we go up, there's -- and let me know</p> <p>8 if I'm reading this -- well, do you see a line up sort</p> <p>9 of towards the middle of that, that starts with, "her</p> <p>10 Legal Action"?</p> <p>11 A. Yes. The number 500 right before it?</p> <p>12 Q. Uh-huh.</p> <p>13 A. Yes, I see that.</p> <p>14 Q. Do you know where the beginning of that word</p> <p>15 is?</p> <p>16 A. Hmmm. "Her legal Action." (Peruses document.)</p> <p>17 I don't know where the beginning of that sentence is, if</p> <p>18 there is a beginning, or if that is the statement in</p> <p>19 itself. I don't -- I don't know.</p> <p>20 Q. Do Caliber employees normally write "her Legal</p> <p>21 Action" into notes?</p> <p>22 A. I can't speak for all Caliber employees.</p> <p>23 Q. Well, are generally the Caliber employees</p> <p>24 supposed to put complete sentences in the notes?</p> <p>25 A. Not necessarily. It's -- could be written in</p>	<p style="text-align: right;">Page 85</p> <p>1 hours --</p> <p>2 MS. KELLETT: No, no.</p> <p>3 MS. HAYWARD: -- looking through notes that</p> <p>4 are quite obvious.</p> <p>5 MS. KELLETT: Well, they don't seem to be</p> <p>6 obvious to him.</p> <p>7 MS. HAYWARD: Okay. Continue, by all</p> <p>8 means.</p> <p>9 MS. KELLETT: Okay.</p> <p>10 Q. (By Ms. Kellett) She says the notes are</p> <p>11 obvious. Can you -- I think you testified that you</p> <p>12 weren't sure what was going on without talking to a</p> <p>13 bankruptcy specialist, in these notes on 12-10-2013; is</p> <p>14 that correct?</p> <p>15 A. That is correct. I would need a specialist to</p> <p>16 clarify the meaning of this --</p> <p>17 Q. Right. And you --</p> <p>18 A. -- section.</p> <p>19 Q. And you didn't do that to prepare for your</p> <p>20 deposition today; is that correct?</p> <p>21 A. Correct. I did not speak with a bankruptcy</p> <p>22 specialist --</p> <p>23 Q. Did you --</p> <p>24 A. -- in preparation for this deposition.</p> <p>25 Q. Did you look at these notes at all on the</p>

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<p style="text-align: right;">Page 86</p> <p>1 actual normal computer screen that you would normally</p> <p>2 look at the notes on?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. I did review the notes on the computer screen.</p> <p>6 Q. Okay. But they were notes that were not --</p> <p>7 they were in a format different than this Excel</p> <p>8 spreadsheet, correct?</p> <p>9 A. No. Everything that you see here would be in</p> <p>10 the similar format, same information, as our system.</p> <p>11 Q. On your system -- so the system would also have</p> <p>12 notes that are not complete; is that correct?</p> <p>13 MS. HAYWARD: Objection, form.</p> <p>14 A. I wouldn't say the notes are incomplete. I</p> <p>15 just -- what I would say is that I would need to speak</p> <p>16 with a bankruptcy specialist to clarify the notes.</p> <p>17 Q. (By Ms. Kellett) Okay. Well, going up, the</p> <p>18 second to the top 12-10, it says, "e dates assessed are</p> <p>19 different."</p> <p>20 A. The top of --</p> <p>21 Q. What does that mean?</p> <p>22 MS. HAYWARD: I'm sorry. What line are we</p> <p>23 on?</p> <p>24 MS. KELLETT: The second from the top</p> <p>25 December 10, 2013.</p>	<p style="text-align: right;">Page 88</p> <p>1 question.</p> <p>2 (Requested portion was read.)</p> <p>3 MS. KELLETT: And what was his answer?</p> <p>4 (Requested portion was read.)</p> <p>5 Q. (By Ms. Kellett) All right.</p> <p>6 A. Can I pause there? I'd like to take a break.</p> <p>7 Q. I'm not -- I'm not gonna allow a break during</p> <p>8 this line of questioning. We just took a break. In</p> <p>9 fact, let's talk about, we've had two breaks so far; is</p> <p>10 that correct?</p> <p>11 A. We have had two breaks.</p> <p>12 Q. Okay. Did you speak with your attorneys during</p> <p>13 either of those breaks?</p> <p>14 A. Yes.</p> <p>15 Q. What did you say to them?</p> <p>16 MS. HAYWARD: I'm sorry. Excuse me?</p> <p>17 Objection.</p> <p>18 MS. KELLETT: He's on the witness stand.</p> <p>19 MS. HAYWARD: And you're asking the witness</p> <p>20 what he spoke to his attorneys about?</p> <p>21 MS. KELLETT: Yes, absolutely.</p> <p>22 MS. HAYWARD: Well, I'm instructing the</p> <p>23 witness not to answer.</p> <p>24 Q. (By Ms. Kellett) You understand --</p> <p>25 MS. HAYWARD: I'm sorry. I just got --</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Again, I would have to assume what the letter</p> <p>2 "e" stood for to answer that question.</p> <p>3 Q. (By Ms. Kellett) Well, what do you assume it</p> <p>4 stands for?</p> <p>5 A. I prefer not to make a -- assumptive answers.</p> <p>6 Q. Okay. Well, how -- how is somebody looking at</p> <p>7 this screen supposed to know what it stands for, to</p> <p>8 understand what's going on from these notes?</p> <p>9 A. Right. Well, bankruptcy has bankruptcy</p> <p>10 language, so if I spoke with a bankruptcy specialist,</p> <p>11 they can tell me -- decipher what this language is.</p> <p>12 Q. Okay.</p> <p>13 MS. HAYWARD: All right. We're gonna take</p> <p>14 a break.</p> <p>15 MS. KELLETT: No, we're not.</p> <p>16 MS. HAYWARD: Yeah. I'm requesting a</p> <p>17 break.</p> <p>18 MS. KELLETT: We just had a break.</p> <p>19 MS. HAYWARD: Well, I'm requesting another</p> <p>20 one.</p> <p>21 MS. KELLETT: I'm not gonna let -- go for</p> <p>22 a break at this minute.</p> <p>23 MS. HAYWARD: You're not gonna go for a</p> <p>24 break at this minute. Okay.</p> <p>25 MS. KELLETT: So can you read the last</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. (By Ms. Kellett) -- testifying in this</p> <p>2 deposition is the same as though you were on the witness</p> <p>3 stand, correct?</p> <p>4 A. I know there is a -- a difference to being on</p> <p>5 the witness stand and to being in a deposition.</p> <p>6 Q. Really?</p> <p>7 A. And I would have --</p> <p>8 Q. Are you sure about that?</p> <p>9 A. I have rights as a witness.</p> <p>10 MS. HAYWARD: Again, you're asking the</p> <p>11 witness for a legal question.</p> <p>12 MS. KELLETT: No, no. I'm asking him what</p> <p>13 he said.</p> <p>14 MS. HAYWARD: Well, then, don't ask him</p> <p>15 if he's sure about something when he's answered your</p> <p>16 question. He's answered your question.</p> <p>17 Q. (By Ms. Kellett) Okay. What did you say to</p> <p>18 your lawyers?</p> <p>19 MS. HAYWARD: Again, objection, privilege.</p> <p>20 Instruct the witness not to answer.</p> <p>21 MS. KELLETT: You can't -- you can't talk</p> <p>22 to your -- your witness while they're on the witness</p> <p>23 stand.</p> <p>24 MS. HAYWARD: I'm objecting on privilege</p> <p>25 and --</p>

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<p style="text-align: right;">Page 94</p> <p>1 topics.</p> <p>2 MS. KELLETT: Correct. We can go off the</p> <p>3 record now.</p> <p>4 MS. HAYWARD: Oh. Now we can go off the</p> <p>5 record.</p> <p>6 THE VIDEOGRAPHER: We're off the record at</p> <p>7 12:20 p.m.</p> <p>8 (Lunch recess from 12:20 p.m. to 1:20 p.m.)</p> <p>9 THE VIDEOGRAPHER: We're back on the record</p> <p>10 at 1:20 p.m.</p> <p>11 Q. (By Ms. Kellett) All right. Could you look at</p> <p>12 again Exhibit No. 3?</p> <p>13 A. Okay.</p> <p>14 Q. Okay. Second-to-the-last page, sort of in the</p> <p>15 middle, there is some comments that were entered on</p> <p>16 December 11th, 2015. Do you see those?</p> <p>17 A. Yes.</p> <p>18 Q. All right. What are these notes telling us?</p> <p>19 A. Just a moment. (Peruses document.) Just a</p> <p>20 moment, please.</p> <p>21 Q. Sure.</p> <p>22 A. Thanks. All right. (Peruses document.) Well,</p> <p>23 I believe I mentioned earlier that sometimes the notes</p> <p>24 are entered, and when -- when they show up in the</p> <p>25 system, they're transposed, so what this is reading, if</p>	<p style="text-align: right;">Page 96</p> <p>1 POC.</p> <p>2 Q. All right. If we look at 12 -- first of all,</p> <p>3 if you go back to maybe Exhibit 10.</p> <p>4 A. Okay.</p> <p>5 Q. Or -- and/or 11.</p> <p>6 A. I'll just stick with 10.</p> <p>7 Q. All right. There's some entries in November.</p> <p>8 There's a regular payment of \$697.80. Do you see that,</p> <p>9 on 11-30-2013?</p> <p>10 A. 11-30-2013. Okay.</p> <p>11 Q. All right. And then it says, "Single Item</p> <p>12 Receipt, 275.23, Single Item Receipt, 68.09," and</p> <p>13 "Single Item Receipt, 118.65," all on 11-30. Do you see</p> <p>14 those?</p> <p>15 A. I do.</p> <p>16 Q. Where did the single item receipts come from?</p> <p>17 A. Just a moment. (Peruses document.) It doesn't</p> <p>18 say where they came from.</p> <p>19 Q. Okay. Where would one go to find that out?</p> <p>20 A. I can research within the system.</p> <p>21 Q. Okay. What would you look at to find that out?</p> <p>22 A. (Peruses documents.) I'd review our system</p> <p>23 notes, our detailed fees. I'd look at prior servicer</p> <p>24 notes, see if it was from the prior servicer, just to</p> <p>25 name a few systems that I would log in to.</p>
<p style="text-align: right;">Page 95</p> <p>1 we start at the very bottom?</p> <p>2 Q. Uh-huh.</p> <p>3 A. 12-11?</p> <p>4 Q. Uh-huh.</p> <p>5 A. It says, "Type: BK Action Stop," then the weird</p> <p>6 looking "I" thing we mentioned earlier.</p> <p>7 Q. Right.</p> <p>8 A. "Other Legal A," and then to go back up to the</p> <p>9 top where it says, "C-T-I-O-N"?</p> <p>10 Q. Uh-huh.</p> <p>11 A. That's where the "A" is continued.</p> <p>12 Q. Right.</p> <p>13 A. So -- so, "Stop other Legal Action," and then</p> <p>14 we can continue down from there. "Comments: Process</p> <p>15 closed - Supplemental POC. 12-11-13. System updated</p> <p>16 for the following." That's what it's saying.</p> <p>17 Q. Okay. What is the supplemental POC?</p> <p>18 A. I assume that the -- the POC is in reference to</p> <p>19 the bankruptcy, proof of claim.</p> <p>20 Q. What's the supplemental POC?</p> <p>21 A. That's an additional proof of claim.</p> <p>22 Q. Okay. Is this saying an additional proof of</p> <p>23 claim was filed?</p> <p>24 A. (Peruses document.) It's not saying that it</p> <p>25 was filed; it's just saying that there is a supplemental</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. So you'd get all the prior servicer notes?</p> <p>2 A. Not necessarily. It's something that may need</p> <p>3 to be requested.</p> <p>4 Q. Okay. So, I mean, what computer screens would</p> <p>5 you look at specifically?</p> <p>6 A. Transaction history would be one screen. Then</p> <p>7 I'd check to investigate that.</p> <p>8 Q. Okay. And that's a screen you can look at on</p> <p>9 your computer?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And that information has not been</p> <p>12 reproduced in this spreadsheet, correct?</p> <p>13 A. No. This is pretty much what I would look at,</p> <p>14 but, you know, there's a situation where it could be</p> <p>15 from the previous servicer, so I'd -- I'd do a deeper</p> <p>16 investigation rather than to say where this came from</p> <p>17 today, so...</p> <p>18 Q. Well, where would you specifically look that</p> <p>19 would tell you the origin of these dollar amounts?</p> <p>20 A. Just a moment. Let me think about that</p> <p>21 question. (Peruses documents.) Well, the transaction</p> <p>22 history is where I would look at the -- the origin of</p> <p>23 this dollar amount, also the notes I would use to look</p> <p>24 at the origin, but --</p> <p>25 Q. Okay. We've got the notes.</p>

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<p style="text-align: right;">Page 98</p> <p>1 A. Right; however, this could be part of a -- the</p> <p>2 boarding still. The fees billed could have came over</p> <p>3 during the boarding.</p> <p>4 Q. I know, but what would you look at specifically</p> <p>5 to tell you where this money came from?</p> <p>6 A. I -- the same thing: the notes, transaction</p> <p>7 history, or --</p> <p>8 Q. Okay.</p> <p>9 A. -- we'd talk to the previous servicer.</p> <p>10 Q. Is this the transaction history that's Exhibit</p> <p>11 No. 10?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Does it tell us where -- the origin of</p> <p>14 these dollar amounts?</p> <p>15 A. No. It doesn't say where they came from, no.</p> <p>16 Q. All right. So then if you'll look at the</p> <p>17 notes, which is Exhibit No. 3, do you see any entries</p> <p>18 on -- on or around November 30th, 2013, that tells you</p> <p>19 the origin of these dollar amounts?</p> <p>20 A. There's no note on November 13.</p> <p>21 Q. It's November 30th, was the --</p> <p>22 A. 30th? I apologize. There's no note on</p> <p>23 November 13 -- I'm sorry, 30th of 2013, so in this</p> <p>24 situation, I'd reach out to the prior servicer to see</p> <p>25 if this came over during the boarding.</p>	<p style="text-align: right;">Page 100</p> <p>1 A. I don't know if it was relevant to -- to this.</p> <p>2 I don't know. I have no idea.</p> <p>3 Q. You don't know if payments on a borrower's</p> <p>4 account are relevant to their account?</p> <p>5 A. Of course they are.</p> <p>6 Q. Okay.</p> <p>7 A. Now, if it was -- of course they are.</p> <p>8 Q. Okay. But as you sit here today, you can't</p> <p>9 tell me where these payments came from, correct?</p> <p>10 A. The origin of the payments, no.</p> <p>11 Q. Okay.</p> <p>12 A. Not with this information in front of me.</p> <p>13 Q. Right. But Caliber does have information</p> <p>14 that -- that would explain where the payments came from,</p> <p>15 correct?</p> <p>16 A. I'm sure we do.</p> <p>17 Q. Okay. All right. In any event, the 275.23,</p> <p>18 the 68.09, and the 118.65 was placed in unapplied funds;</p> <p>19 is that correct?</p> <p>20 A. On which line item are you looking at?</p> <p>21 Q. These are the bottom three entries on</p> <p>22 11-30-2013.</p> <p>23 A. On Exhibit 10?</p> <p>24 Q. Yes.</p> <p>25 A. 11-30. (Peruses document.) All right. Now, I</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Okay. Okay. What if it didn't come from the</p> <p>2 prior servicer? Where would it have come from?</p> <p>3 A. (Peruses document.) It could have been a</p> <p>4 payment made by the borrower or from the trustee.</p> <p>5 Q. Okay. How would you know that?</p> <p>6 A. I'd have to -- you know, this is a bankruptcy</p> <p>7 account, so any payments, I'd reach out to the</p> <p>8 bankruptcy department to discuss those.</p> <p>9 Q. Is there anybody besides a person to talk to</p> <p>10 that somebody can tell whether the money had come from</p> <p>11 the borrower or the Chapter 13 trustee?</p> <p>12 A. We can also reach out to the payment processing</p> <p>13 department.</p> <p>14 Q. Okay. Are there computer screens that you can</p> <p>15 look at to tell whether money came from the borrower or</p> <p>16 from a Chapter 13 trustee?</p> <p>17 A. There is a system that we use for bankruptcy --</p> <p>18 Q. Okay.</p> <p>19 A. -- which may give you details on where this</p> <p>20 payment came from, but as I mentioned, I'd have to do an</p> <p>21 investigation.</p> <p>22 Q. Okay. Do you know why the information from</p> <p>23 that system, bankruptcy system, was not produced?</p> <p>24 A. I don't know why.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 101</p> <p>1 found the line you're looking at. Now please repeat the</p> <p>2 question.</p> <p>3 Q. I'm sorry. There's three lines --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- of three entries, not the regular payment,</p> <p>6 but the single item receipts?</p> <p>7 A. Uh-huh.</p> <p>8 Q. One's in the amount of 25 -- I'm sorry, 275 --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- 23?</p> <p>11 A. Right.</p> <p>12 Q. One's in the amount of \$68.09.</p> <p>13 A. Yeah.</p> <p>14 Q. And one's in the amount of \$118.65.</p> <p>15 A. Right.</p> <p>16 Q. And those were all placed in un -- unapplied</p> <p>17 funds; is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. Do you know why they were placed in</p> <p>20 unapplied funds?</p> <p>21 A. Well, one reason it could be is that it wasn't</p> <p>22 enough to cure the account.</p> <p>23 Q. Okay. What does that mean, not enough to cure</p> <p>24 the account?</p> <p>25 A. Enough to bring the account current.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q. All right. Does Caliber --</p> <p>2 MS. KELLETT: Well, let me strike that.</p> <p>3 Q. (By Ms. Kellett) How does Caliber apply</p> <p>4 payments from the Chapter 13 for the deficiency payments</p> <p>5 on an account that's in bankruptcy?</p> <p>6 A. Any payments that are made while the account is</p> <p>7 in bankruptcy are sent to the bankruptcy department.</p> <p>8 Q. The -- the monies that are paid by the Chapter</p> <p>9 13 trustee for the deficiency claim on the account, how</p> <p>10 are those treated by Caliber?</p> <p>11 A. Just a moment. Those payments are sent to our</p> <p>12 bankruptcy department to be entered manually by the</p> <p>13 bankruptcy department.</p> <p>14 Q. Okay. But is there a separate account set up</p> <p>15 for the deficiency amount to which the Chapter 13</p> <p>16 payments are applied for the deficiency?</p> <p>17 A. That, I don't know, if there's a separate</p> <p>18 account for trustee payments. I don't know.</p> <p>19 Q. All right. So going back to Exhibit -- well,</p> <p>20 no. Let's go one more item on Exhibit No. 10, or three</p> <p>21 more items. Then on 12-23-2013, there's two -- two</p> <p>22 entries of 697.80. Do you see those? It says, "Regular</p> <p>23 Payment"?</p> <p>24 A. Yes, I see those.</p> <p>25 Q. Okay. Were those payments on the ongoing</p>	<p style="text-align: right;">Page 104</p> <p>1 in front of us as Exhibit 10; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Does the transaction history that you</p> <p>4 looked at on your computer screen have more information</p> <p>5 than what's on Exhibit 10?</p> <p>6 A. No. This contains the exact information that</p> <p>7 would be in our system.</p> <p>8 Q. Okay. So the transaction history doesn't, in</p> <p>9 fact, tell you the reason for the reversal of the 72.73,</p> <p>10 right?</p> <p>11 A. No, it doesn't --</p> <p>12 Q. Okay.</p> <p>13 A. -- give us a reason.</p> <p>14 Q. Okay. And then the notes, we have those as</p> <p>15 Exhibit No. 3, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And are there any entries on December</p> <p>18 23, 2013?</p> <p>19 A. I don't see any entries.</p> <p>20 Q. Okay. Should there have been an entry on why</p> <p>21 money was being credited out of the debtor's unapplied</p> <p>22 funds balance?</p> <p>23 A. Once I was able to determine where these funds</p> <p>24 came with -- came from, I could answer that question,</p> <p>25 so...</p>
<p style="text-align: right;">Page 103</p> <p>1 monthly mortgage payment?</p> <p>2 A. It seems like it's a -- a regular payment,</p> <p>3 which would be applied, and if we look a little further,</p> <p>4 it says it was applied towards principal and interest.</p> <p>5 Q. Okay. And indeed the principal balance comes</p> <p>6 down after application of those payments, on the far</p> <p>7 right, correct?</p> <p>8 A. Yes. It does show to decrease the balance.</p> <p>9 Q. Okay. But now there's a single item receipt on</p> <p>10 12-23-2013 that says negative 72.73. Do you see that?</p> <p>11 And that's also credited to unapplied funds. I'm sorry.</p> <p>12 It's a single item reversal. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What -- what is that transaction?</p> <p>15 A. It's a reversal of funds.</p> <p>16 Q. Okay. Why was the reversal made?</p> <p>17 A. Just a moment. (Peruses documents.) I don't</p> <p>18 have the answer in front of me. I'd have to investigate</p> <p>19 to get the answer to that.</p> <p>20 Q. Okay. Well, what -- what would you look at to</p> <p>21 investigate?</p> <p>22 A. The same items we mentioned earlier: the</p> <p>23 transaction history notes and also reach out to the</p> <p>24 prior servicer.</p> <p>25 Q. Okay. Well, we've got the transaction history</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Okay. Well, you've said that the places you</p> <p>2 would look would be the transaction history, which is</p> <p>3 Exhibit 10, and the notes, which is Exhibit 3.</p> <p>4 A. Uh-huh.</p> <p>5 Q. And there's not any information about why this</p> <p>6 transaction was made on either the transaction history</p> <p>7 or the notes, correct?</p> <p>8 A. After my review, I didn't see any notes</p> <p>9 indicating why this transaction was made, but also, as</p> <p>10 I mentioned, I would reach out to the prior servicer.</p> <p>11 This is also a active bankruptcy account, so I would</p> <p>12 reach out to the bankruptcy specialist to inquire about</p> <p>13 payments.</p> <p>14 Q. Okay. How would the bankruptcy specialist</p> <p>15 know why this transaction was made? What would the</p> <p>16 bankruptcy specialist look at?</p> <p>17 A. I -- I'm not a bankruptcy specialist. I don't</p> <p>18 know what they would look at or how they might be able</p> <p>19 to answer that question, but I would reach out to them</p> <p>20 until I got the question answered.</p> <p>21 Q. Would they look somewhere in the computer</p> <p>22 system?</p> <p>23 A. Surely. Most of our information is housed</p> <p>24 in -- within the system.</p> <p>25 Q. Okay. So that information would be stored</p>

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<p style="text-align: right;">Page 106</p> <p>1 somewhere electronically in the Caliber system of</p> <p>2 records, correct?</p> <p>3 A. Surely, but it's a bankruptcy account, and I</p> <p>4 don't have access to all of the systems that bankruptcy</p> <p>5 may have.</p> <p>6 Q. But somebody in bankruptcy would have access</p> <p>7 to those systems, correct?</p> <p>8 A. Surely someone at the company would have</p> <p>9 access.</p> <p>10 Q. And do you understand that this account was in</p> <p>11 bankruptcy the entire time it was being serviced by</p> <p>12 Caliber?</p> <p>13 A. Yes. When we got it, it was in bankruptcy,</p> <p>14 correct.</p> <p>15 Q. And when it left Caliber, it was still in</p> <p>16 bankruptcy, correct?</p> <p>17 A. Correct. When it left, it was in bankruptcy.</p> <p>18 Q. All right. Let's go back to Exhibit No. 3.</p> <p>19 We're gonna start with the third-to-the-last page, and</p> <p>20 about halfway down, we have a transaction starting on</p> <p>21 January 6, 2014? Do you see that?</p> <p>22 A. Yes, I -- I see it.</p> <p>23 Q. All right. Can I just -- I'll short-circuit</p> <p>24 this. Is this just an entry reflecting the fact that we</p> <p>25 had filed the lawsuit, the Trevino lawsuit, against</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And did you ask anybody in connection with</p> <p>2 preparing for your deposition today?</p> <p>3 A. Ask anybody what again?</p> <p>4 Q. What the adversary process, what it means to</p> <p>5 open the adversary process?</p> <p>6 A. No. I did not ask what it means to open the</p> <p>7 adversary process.</p> <p>8 Q. Okay. So if we go up then to January 14th,</p> <p>9 which is still on the fourth page from the end.</p> <p>10 A. Okay. I -- I see it.</p> <p>11 Q. Okay. There's three entries, and that says,</p> <p>12 "LPI Insurance premium paid on January 13th, 2014, in</p> <p>13 the amount of \$2,828.38 for the 11-1-2013 to 11-21-2014</p> <p>14 period. Policy number," and then it gives the policy</p> <p>15 number. Do you see that?</p> <p>16 A. Yes, I see it.</p> <p>17 Q. All right. Does that mean that Caliber force-</p> <p>18 placed insurance on behalf of the Trevinos on that date?</p> <p>19 A. Let me see what LPI stands for. (Peruses</p> <p>20 document.) LPI stands for lender-placed insurance.</p> <p>21 Q. Right.</p> <p>22 A. So, yes, the answer is correct.</p> <p>23 Q. Okay. If you could look at Exhibit No. 10</p> <p>24 again?</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 107</p> <p>1 Caliber?</p> <p>2 A. Okay.</p> <p>3 Q. Is that what this entry is discussing on</p> <p>4 January 6, 2014?</p> <p>5 A. That's what I'm seeing. It looks like a filing</p> <p>6 of a lawsuit.</p> <p>7 Q. And it was, in fact, this lawsuit, correct, not</p> <p>8 a different lawsuit?</p> <p>9 A. It appears to be the same lawsuit to my</p> <p>10 knowledge, yes.</p> <p>11 Q. Okay. On the -- on January 7th, which starts</p> <p>12 on the -- the next previous page --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- there's some entries, and also on January 8,</p> <p>15 it says, "Please open Adversary Process." Do you see</p> <p>16 those entries?</p> <p>17 A. January 7th?</p> <p>18 Q. Yes, sort of -- I'm now on the fourth page from</p> <p>19 the end.</p> <p>20 A. (Peruses document.) Okay. "Please open</p> <p>21 Adversary Process." Okay.</p> <p>22 Q. What is the adversary process?</p> <p>23 A. This has to do with the lawsuit, and I'm not in</p> <p>24 the legal department, so I don't know what the adversary</p> <p>25 process is.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. It shows an escrow disbursement on 1-13-2014.</p> <p>2 Do you see that?</p> <p>3 A. What date again, 1-13?</p> <p>4 Q. Yes, 1-13-2014.</p> <p>5 A. Escrow disbursement, yes.</p> <p>6 Q. Okay. And it shows negative 2,828.38, correct?</p> <p>7 A. I see that.</p> <p>8 Q. Okay. Does that reflect the amount that</p> <p>9 Caliber paid for the force-placed insurance?</p> <p>10 A. Let me check something. (Peruses documents.)</p> <p>11 It appears to be the amount, but to verify that, I'd</p> <p>12 have to go to our lender, our insurance screen, but,</p> <p>13 yes, it appears to be the amount.</p> <p>14 Q. Okay. There's an insurance screen you could</p> <p>15 look at?</p> <p>16 A. There is an insurance screen. I'm trying to</p> <p>17 remember. Yes, yes. We can go to the insurance</p> <p>18 screens, and it will give us a list of disbursements.</p> <p>19 Q. Okay. And then it shows, it says amount to</p> <p>20 escrow, negative 2,828.38. Do you see that?</p> <p>21 A. What line are you looking at?</p> <p>22 Q. 1-13-2014, escrow disbursement.</p> <p>23 A. You said there's a line that says amount to</p> <p>24 escrow? Okay.</p> <p>25 Q. Yeah. There's a column that says amount to</p>

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<p style="text-align: right;">Page 110</p> <p>1 escrow, and then a negative \$2,828.38 appears in that</p> <p>2 column on that same line.</p> <p>3 A. I see it.</p> <p>4 Q. Okay. Does that mean now that the borrower</p> <p>5 owes the \$2,828.38 that Caliber paid for the insurance?</p> <p>6 MS. HAYWARD: Objection, form.</p> <p>7 A. Let me check something real quick. (Peruses</p> <p>8 document.) It doesn't mean the borrower owes that</p> <p>9 amount, but the account owes that amount.</p> <p>10 Q. Who pays the amount ultimately?</p> <p>11 A. Who pays --</p> <p>12 MS. HAYWARD: Objection, form.</p> <p>13 Q. (By Ms. Kellett) Who pays the -- who pays the</p> <p>14 account?</p> <p>15 A. Well, this is a active bankruptcy, so the</p> <p>16 borrower would pay the trustee; the trustee will pay the</p> <p>17 account.</p> <p>18 Q. So the account's gonna get paid somehow,</p> <p>19 correct?</p> <p>20 MS. HAYWARD: Objection, form.</p> <p>21 A. Depending on the borrower.</p> <p>22 Q. (By Ms. Kellett) Okay. Right, right. You're</p> <p>23 not gonna release the lien, for instance, unless this</p> <p>24 amount were -- were paid --</p> <p>25 MS. HAYWARD: Objection, form.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. It must be 11, 'cause they're supposed to be</p> <p>2 the same. What were the dates once more, please?</p> <p>3 Q. Okay. Well, let me let you find this first</p> <p>4 one, January 27th, 2014.</p> <p>5 A. January 27, 2014?</p> <p>6 Q. Yes, the transaction effective date.</p> <p>7 A. On Exhibit 10?</p> <p>8 Q. Uh-huh. Well, let me skip that. There's a</p> <p>9 transaction date. Do you see that?</p> <p>10 A. Yes, transaction date.</p> <p>11 Q. And there's one that says 1-31-2014.</p> <p>12 A. I see that one.</p> <p>13 Q. All right.</p> <p>14 A. Oh, I see. I see where you were looking.</p> <p>15 Q. Right. And then there's one that says</p> <p>16 2-26-2014 and 3-27-2014, correct?</p> <p>17 A. Right. I see those.</p> <p>18 Q. Okay. And those are regular payments? Is that</p> <p>19 how those are defined?</p> <p>20 A. The transaction name is defined as a regular</p> <p>21 payment, correct.</p> <p>22 Q. Okay. So were those regular payments on the</p> <p>23 ongoing monthly mortgage?</p> <p>24 A. On this bankruptcy account through the trustee,</p> <p>25 correct.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. (By Ms. Kellett) -- correct?</p> <p>2 A. The lien is released once balances are zero.</p> <p>3 Q. Right. So if this amount's not waived, the</p> <p>4 borrower's gonna have to pay the amount, or the trustee,</p> <p>5 correct?</p> <p>6 MS. HAYWARD: Objection, form.</p> <p>7 A. The account will be due that amount, correct.</p> <p>8 Q. (By Ms. Kellett) Okay.</p> <p>9 A. Before we can release the lien.</p> <p>10 Q. Before you can release the lien. So if it's</p> <p>11 not waived, somebody's got to pay it, correct?</p> <p>12 A. Well, if the --</p> <p>13 MS. HAYWARD: Object -- objection, form.</p> <p>14 A. If the lien is to be released, yes, that amount</p> <p>15 has to be paid.</p> <p>16 Q. (By Ms. Kellett) All right. And then on 1-27,</p> <p>17 2-24, 2014, and 3-21-2014, we have three amounts that</p> <p>18 are entitled "Regular Payment," each in the amount of</p> <p>19 697.80. Do you see those three entries?</p> <p>20 A. I'm sorry. What were the dates again?</p> <p>21 Q. I'm sorry. It's sort of a little above the</p> <p>22 middle: January 27th, 2014; February 24th, 2014; and</p> <p>23 March 21st, 2014.</p> <p>24 A. Which exhibit are we looking at?</p> <p>25 Q. I'm sorry. Exhibit 10, 10 or 11.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. All right. So let's go back to Exhibit No. 3,</p> <p>2 and I want to go back. I'm sorry I skipped over these,</p> <p>3 but if we go back to the second-from-the-last page</p> <p>4 towards the middle.</p> <p>5 A. Which exhibit?</p> <p>6 Q. Three.</p> <p>7 A. The second-from-the-last page towards the</p> <p>8 middle.</p> <p>9 Q. Uh-huh.</p> <p>10 A. Okay.</p> <p>11 Q. On 12-16 and 12-12 of 2013.</p> <p>12 A. 12-16, 12-12. Okay.</p> <p>13 Q. Okay. 12-16 says, "Breach hold removed</p> <p>14 manually." Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What does that mean?</p> <p>17 A. Just a moment. (Peruses documents.) It means</p> <p>18 that the hold was removed from the breach. I mean, that</p> <p>19 the account is now serviceable.</p> <p>20 Q. And it could be foreclosed?</p> <p>21 A. No, no. It's that during a service transfer,</p> <p>22 we'll put a automatic hold on an account for 60 days,</p> <p>23 approximately, to, you know, allow for any discrepancies</p> <p>24 that -- that the borrower may find.</p> <p>25 Q. Okay. I see. Where you're trying to get the</p>

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<p style="text-align: right;">Page 114</p> <p>1 transition through --</p> <p>2 A. Right, like a transition.</p> <p>3 Q. -- for the next servicer?</p> <p>4 A. Exactly, like a transition period.</p> <p>5 Q. Okay. So going back then to four pages from</p> <p>6 the end, and it looks like we have a series of</p> <p>7 transactions on January 16th, 2014, and those continue</p> <p>8 back going towards the front. Do you see that set of --</p> <p>9 of entries?</p> <p>10 A. I'm sorry. Which date?</p> <p>11 Q. January 16, 2014. They start on the -- on the</p> <p>12 sixth page from the end.</p> <p>13 A. Okay. I see all of those entries.</p> <p>14 Q. The fifth and the fourth. Okay. It's -- it's</p> <p>15 discussing additional fees to be approved or denied. Do</p> <p>16 you see that?</p> <p>17 A. (Peruses document.) I see what -- what you're</p> <p>18 referencing, yes.</p> <p>19 Q. Okay. So if we go from the top down to the</p> <p>20 bottom --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- at the very -- where it says something,</p> <p>23 "Additional amount requested: 650 hourly B-R-E-A," and</p> <p>24 then it says, "Per defensive litigation, place</p> <p>25 foreclosure on hold." Do you see that?</p>	<p style="text-align: right;">Page 116</p> <p>1 not in the legal department.</p> <p>2 Q. All right. So going back to the fourth page</p> <p>3 prior to the end up at the top on 1-16-2014?</p> <p>4 A. All right. Top of the page.</p> <p>5 Q. It says -- it says, "Per defensive litigation,</p> <p>6 place C&D on account." Do you know what that means?</p> <p>7 A. Yes, but let's look in the dictionary.</p> <p>8 (Peruses document.) There it is. On Page 1 of the</p> <p>9 dictionary?</p> <p>10 Q. Okay.</p> <p>11 A. It'll say C&D. It's alphabetical. Cease and</p> <p>12 desist.</p> <p>13 Q. Cease and desist. Okay. And -- all right.</p> <p>14 Going to the next entries, there's a series of entries</p> <p>15 beginning -- I guess the entries on 20 -- I'm sorry,</p> <p>16 February 12th, 2014.</p> <p>17 A. Okay.</p> <p>18 Q. And there's --</p> <p>19 A. It looks like it covers three pages.</p> <p>20 Q. Right. And, in fact, it shows entries numbered</p> <p>21 1 through 80, correct? It's sort of in the middle</p> <p>22 column.</p> <p>23 A. (Peruses document.) Excuse me. Right. It</p> <p>24 does say notes sequence number 1 through 80.</p> <p>25 Q. Okay. What do these notes represent?</p>
<p style="text-align: right;">Page 115</p> <p>1 A. This is page four from the back or five?</p> <p>2 Q. Four, four from the back.</p> <p>3 A. Okay. Yeah, per -- okay. "Amount requested:</p> <p>4 650 hourly B-R-E-A." I see what you're looking at.</p> <p>5 Q. What does that mean?</p> <p>6 A. Just a moment. (Peruses document.) Well, from</p> <p>7 the B-R-E-A --</p> <p>8 Q. Uh-huh.</p> <p>9 A. -- the remainder of that word is at the bottom</p> <p>10 of Page 5.</p> <p>11 Q. Right. "Breakdown of fees requested"?</p> <p>12 A. Right.</p> <p>13 Q. Okay. "Flat fee," does this mean somebody's</p> <p>14 requesting a \$650 flat fee?</p> <p>15 A. It's an amount requested, so, yes.</p> <p>16 Q. Can you tell who's making the -- the request</p> <p>17 for the fees?</p> <p>18 A. It looks like the -- give me just a moment.</p> <p>19 (Peruses document.) It looks like teller 500 made that</p> <p>20 request.</p> <p>21 Q. Right. Well, but was the teller dealing with</p> <p>22 outside counsel?</p> <p>23 A. (Peruses document.) It looks like at this</p> <p>24 point, the file was with our legal department. I don't</p> <p>25 know if that has to do with outside counsel 'cause I'm</p>	<p style="text-align: right;">Page 117</p> <p>1 A. It'll take me a moment to --</p> <p>2 Q. All right.</p> <p>3 A. -- read through these. (Peruses document.)</p> <p>4 (Discussion off the record.)</p> <p>5 A. Okay. It looks like this is also in regards to</p> <p>6 the legal department.</p> <p>7 Q. (By Ms. Kellett) All right. Is this showing</p> <p>8 that there's some confusion over who Caliber has hired</p> <p>9 to represent it in this adversary proceeding?</p> <p>10 A. Give me just a moment. (Peruses document.) I</p> <p>11 wouldn't say confusion regarding who was handling this.</p> <p>12 Maybe confirmation is needed.</p> <p>13 Q. It doesn't say a referral's been made to</p> <p>14 Buckley Madole, yet Franklin Skierski Hayward has filed</p> <p>15 a motion to dismiss?</p> <p>16 A. What line are you looking at for --</p> <p>17 Q. Well, the whole 1 through 80 if you read it all</p> <p>18 together.</p> <p>19 A. You said -- what was the other? Like, I assume</p> <p>20 it's a law firm you were referencing?</p> <p>21 Q. Well, if you look at the bottom of the full</p> <p>22 page of 2-12-2014, it says, about six lines up, "Please</p> <p>23 confirm who is handling defense of the adversary as</p> <p>24 Buckley Madole received a referral, but Frank," and then</p> <p>25 if you go up further from the bottom of the page, "Lin</p>

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<p style="text-align: right;">Page 118</p> <p>1 Skierski Hayward has appeared and filed a motion to 2 dismiss on the client's behalf. Thanks. Status: 3 Active." Do you see that? 4 A. Okay. But Frank, and then you went up to 5 where again? 6 Q. Where it says Lin, L-I-N, Skierski Hayward. 7 A. Oh, I see. (Peruses document.) Again, I 8 don't think there was confusion. We just needed 9 clarification, and we work more -- with more than one 10 attorney, so... 11 Q. Okay. Do you know if Buckley Madole continued 12 to represent Caliber during the pendency of the 13 adversary proceeding? 14 A. For this particular case? 15 Q. Yes. 16 A. I don't know if they're a party to this case or 17 not. 18 Q. But Buckley Madole is Caliber's outside law 19 firm. Did you know that? 20 A. I -- we have many, many vendors that we work 21 with, so Buckley Madole is new to me. 22 Q. All right. Okay. If you could look 10 pages 23 from the back? 24 MS. HAYWARD: Karen, can we get a date? 25 MS. KELLETT: Yeah. It's 3-24-2014.</p>	<p style="text-align: right;">Page 120</p> <p>1 that? 2 A. Yes. 3 Q. And then it says, "3-26-14, TXID," and then 4 there's, "C112002000014900." Do you see that? 5 A. I do see that. 6 Q. Do you know if that's the tax ID for Hidalgo 7 County for the Trevinos? 8 A. I do not know if that's the tax ID for the 9 Trevinos without doing more research. 10 Q. All right. Can you look at the next page? 11 A. Okay. 12 Q. It says, "3-26-2014, TXYR=2010." Does that 13 mean tax year 2010? 14 A. Let's look at the definitions. (Peruses 15 document.) I think it's safe to say that that is tax 16 year 2010. 17 Q. Okay. And the TX amount is tax amount, 18 1,530.63; is that correct? 19 A. I believe it's safe to say that -- that that is 20 the amount we're referencing. 21 Q. Okay. Then it says, "BILTYP." Does that mean 22 bill type? 23 A. Just a moment. (Peruses document.) I'm not 24 absolutely sure what that means. 25 Q. Okay. Then it says -- on the line below it, it</p>
<p style="text-align: right;">Page 119</p> <p>1 MS. HAYWARD: Okay. 2 A. Okay. 3 Q. (By Ms. Kellett) This discusses some -- it 4 says, "Required: Bankruptcy correspondence for BK Case 5 No. 10-70594, Scanned into," probably system. Do you 6 know what this correspondence is? 7 A. Let's see. "Scanned into." (Peruses 8 document.) This is -- I don't know where they scanned 9 it into, which system. It looks like it's more in 10 reference to the legal department. 11 Q. Well, does -- does this tell us that somebody 12 at Caliber scanned some -- something from the bankruptcy 13 court into Caliber's system? 14 A. "Scanned into," yeah. It says, "Bankruptcy 15 correspondence for BK case," case number, "Scanned 16 into," so we scanned something. 17 Q. Okay. And that could be found if you needed 18 to, correct? 19 A. Absolutely. 20 Q. All right. Okay. If we go to the previous 21 page, 3-26-2014, at the bottom, there is -- the last 22 three entries, it says, "3-26-2014 Delinquent Report." 23 Do you see that? 24 A. Yes. 25 Q. It says, "Payee - Hidalgo County." Do you see</p>	<p style="text-align: right;">Page 121</p> <p>1 says, "HNDLEMAN." Do you know what that means? 2 A. (Peruses documents.) I do not know what that 3 means. 4 Q. All right. There's -- on these transactions 5 on the 26th that we've been going over, there's a 6 transaction code of NT. What does that mean? 7 A. Let's see. (Peruses document.) NT in black 8 and white here on Bates 875. 9 Q. It says, "Notes from the Global/Notes screen. 10 (AD 650.030)," correct? 11 A. It does say that. 12 Q. What is the global/notes screen? 13 A. Global/notes is one of the screens that we can 14 enter notes from within Fiserv. 15 Q. Do the -- does the global/notes screen include 16 all kinds of notes that anybody in Caliber has entered 17 into Fiserv? 18 A. Yes, it -- it does. 19 Q. All right. If we go up to the last few lines 20 of -- on Exhibit 3 of 3-28-2014, do you see there's some 21 additional NT notes? There's five NT notes. Do you see 22 those? 23 A. Excuse me. Yes, I see those. 24 Q. Okay. The first one says, "3-27-14 delinquent 25 tax first letter - 3-28-14." Do you see that?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. Okay. Wait. What dates are we looking at?</p> <p>2 3-27 or 3-28?</p> <p>3 Q. 3-28-2014. It's sort of towards the middle of</p> <p>4 the page.</p> <p>5 A. Okay.</p> <p>6 Q. And it's got the NT transaction code.</p> <p>7 A. Okay. I do see 3-28-14, and you said it says</p> <p>8 what thereafter?</p> <p>9 Q. NT.</p> <p>10 A. And then what after NT?</p> <p>11 Q. Then there's some teller with the number 59040</p> <p>12 entering some notes. Do you see those?</p> <p>13 A. I see that.</p> <p>14 Q. Okay. It says, the first line, "3-27-2014</p> <p>15 delinquent tax first letter - 3-28-14," and then there's</p> <p>16 an "S." Do you see all that?</p> <p>17 A. Yes, I see that.</p> <p>18 Q. Okay. Does that mean a letter was sent to the</p> <p>19 borrowers about the delinquent 2010 taxes?</p> <p>20 A. (Peruses document.) I believe it's safe to</p> <p>21 say it was a letter regarding delinquent taxes to the</p> <p>22 borrower.</p> <p>23 Q. Okay. Was it a letter regarding the 2010</p> <p>24 taxes?</p> <p>25 A. (Peruses documents.) Within that same sequence</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Right. And there's 1, 2, 3 transactions at the</p> <p>2 bottom of that date. Do you see that?</p> <p>3 A. What exhibit are you looking at?</p> <p>4 Q. Three.</p> <p>5 A. The same exhibit. Am I still on 3?</p> <p>6 Q. It's where it says, "Please flip to investor</p> <p>7 recoverable."</p> <p>8 A. Okay. I see that.</p> <p>9 Q. Do you see that? "If not able to flip, please</p> <p>10 waive due to court order." Do you see that?</p> <p>11 A. I do see that.</p> <p>12 Q. And then it says, "Fee Type-164." What does</p> <p>13 that mean?</p> <p>14 A. Let's see if -- I think we determined earlier</p> <p>15 that we don't have a numerical list of definitions. Let</p> <p>16 me double-check. (Peruses document.) Unless there's</p> <p>17 one in production. If there's not, I -- I don't know</p> <p>18 what that code is for. We do have a -- a list of fee</p> <p>19 types that can tell you what that code is for.</p> <p>20 Q. Okay. Do you know why that wasn't produced?</p> <p>21 A. I don't.</p> <p>22 Q. Okay. It says also, "Fee Type-164." Then it</p> <p>23 says, "11-9-13, \$5,111.01 of \$7,845.60." Do you see</p> <p>24 that?</p> <p>25 A. Yes. The same line item?</p>
<p style="text-align: right;">Page 123</p> <p>1 of notes, there's a reference to 2010 taxes.</p> <p>2 Q. Uh-huh. And tax amount, 1,530.63, correct?</p> <p>3 A. However, I'd have to see the letter to tell you</p> <p>4 what the actual letter states.</p> <p>5 Q. Do you know why that wasn't produced?</p> <p>6 A. I don't know.</p> <p>7 Q. But you could find a -- a copy of the letter;</p> <p>8 is that correct?</p> <p>9 A. Absolutely.</p> <p>10 Q. All right. If we go up to the next sequence of</p> <p>11 notes, on 3-28-2014 --</p> <p>12 A. Okay.</p> <p>13 Q. -- there's -- it looks like there's 1, 2; 1, 2,</p> <p>14 3, 4; 1, 2, 3; so there's the first seven notes.</p> <p>15 A. On 3-28, 1, 2, 3; 1, 2; and 1, 2, 3, 4. Okay.</p> <p>16 Q. Right. So let's start at the bottom with the</p> <p>17 1, 2, 3. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. "006," do you know what that means?</p> <p>20 A. Okay. So what's the teller ID we're looking</p> <p>21 at?</p> <p>22 Q. Three -- I'm sorry, 23525.</p> <p>23 A. Okay. And then I don't see that number.</p> <p>24 Q. Okay. The transaction code is CIT?</p> <p>25 A. Okay. Teller 23525, that's what you mentioned.</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Yeah, those three lines.</p> <p>2 A. Uh-huh. Okay.</p> <p>3 Q. All right. Who's requesting that these be</p> <p>4 flipped to investor recoverable?</p> <p>5 A. It looks like it's teller ID 23525.</p> <p>6 Q. Do you know, would there be a way to find out</p> <p>7 who that is?</p> <p>8 A. There is a way.</p> <p>9 Q. All right. Did you -- for purposes of this</p> <p>10 deposition, did you ask anybody who that was?</p> <p>11 A. I did not.</p> <p>12 Q. Okay. So you haven't talked to the person that</p> <p>13 entered these notes; is that correct?</p> <p>14 A. No, I haven't.</p> <p>15 Q. Okay. What was the court order that was</p> <p>16 requiring the fees to be flipped to investor recoverable</p> <p>17 or waived?</p> <p>18 A. I'm sure that's housed within the legal</p> <p>19 department. I don't have access to that court order.</p> <p>20 Q. You didn't look at that court order to prepare</p> <p>21 for today's deposition?</p> <p>22 A. I reviewed the court order for a deposition and</p> <p>23 the topics involved. The court order referencing a</p> <p>24 waiver to these fees, I did not review.</p> <p>25 Q. Okay. If we go above it to the next -- the 1,</p>

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<p style="text-align: right;">Page 126</p> <p>1 2, 3, 4 right above the 1, 2, 3?</p> <p>2 A. Okay.</p> <p>3 Q. All right. It says, "007, please flip to</p> <p>4 investor recoverable. If not able to flip, please waive</p> <p>5 due to court order."</p> <p>6 A. Uh-huh.</p> <p>7 Q. "Fee Type-164, 11-9-2013, \$5,111.01 of</p> <p>8 7,845.60." Do you see that?</p> <p>9 A. I do see that.</p> <p>10 Q. And underneath that, it says, "Fee Type-165,</p> <p>11 11-9-2013, \$12,649.86."</p> <p>12 A. I see that.</p> <p>13 Q. Okay. And so, first of all, teller 23525, who</p> <p>14 is teller 23525 or employee 23525 asking to perform this</p> <p>15 flip or waiver transaction?</p> <p>16 A. It looks like this request was done with a</p> <p>17 task. A task is then sent to a department or a queue,</p> <p>18 and who's handling that queue, I do not know.</p> <p>19 Q. Okay. Did you ask in connection with your</p> <p>20 deposition?</p> <p>21 A. I did not.</p> <p>22 Q. Okay. If we go back to Exhibit No. 10, and we</p> <p>23 look at the transactions on 11-9-2013 that we discussed</p> <p>24 previously on Exhibit No. 10.</p> <p>25 A. 11-9-2013?</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Okay.</p> <p>2 Q. And also Exhibit No. 11. Okay. So if we look</p> <p>3 on 3-28, there's a credit in the amount of 5,111.01 to</p> <p>4 the fees, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. All right. And then two lines down, there's a</p> <p>7 credit of 12,649.86 to fees, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And in the middle, there's a credit of</p> <p>10 \$2,734.59 to the fees account, correct?</p> <p>11 A. Correct.</p> <p>12 Q. All right. Why on 3-31 was an amount for</p> <p>13 2,734.59 credited when no request had been made to</p> <p>14 credit that amount?</p> <p>15 A. Which amounts again?</p> <p>16 Q. The request in the notes was to flip or waive</p> <p>17 \$5,111.01 and also to flip or waive \$12,649.86.</p> <p>18 A. Uh-huh.</p> <p>19 Q. And that happened, correct?</p> <p>20 A. It did.</p> <p>21 Q. All right. There was no request to waive an</p> <p>22 additional \$2,734.59, so why is there a credit to the</p> <p>23 fees for that amount?</p> <p>24 A. Okay. Just a moment.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. I'm -- I'm sorry, on Exhibit No. 10.</p> <p>2 A. Oh. Okay.</p> <p>3 Q. All right. So is employee 23525 asking</p> <p>4 somebody to flip or waive -- this \$7,845.60 that we see</p> <p>5 here on Exhibit 10, somebody's asking that they waive</p> <p>6 five thousand a hundred and -- I'm sorry, 5,111.01 of</p> <p>7 that amount; is that correct?</p> <p>8 A. Just a moment, please. (Peruses documents.)</p> <p>9 THE WITNESS: Please repeat the question.</p> <p>10 (Requested portion was read.)</p> <p>11 A. The amounts match the amount that is on</p> <p>12 Exhibit 10, so I'd say it's safe to say that they are</p> <p>13 referencing the amount that's on Exhibit 10.</p> <p>14 Q. (By Ms. Kellett) All right. And then are they</p> <p>15 asking that the dollar amount 12,649.86, that that</p> <p>16 entire amount be flipped or waived?</p> <p>17 A. What was the amount you referenced?</p> <p>18 Q. \$12,649.86.</p> <p>19 A. (Peruses documents.) I think the task that was</p> <p>20 created was for both of those amounts, that is correct,</p> <p>21 the \$7,845 and change and also the \$12,000 amount.</p> <p>22 Q. Okay. The request was for 5,111.01 out of the</p> <p>23 7,845.60; is that right?</p> <p>24 A. Right, to clarify, exactly.</p> <p>25 Q. Okay. So let's look at Exhibit No. 10.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. (Peruses document.) Well, as I mentioned</p> <p>2 earlier, Caliber has no intention to collect money that</p> <p>3 it -- it's not entitled to, so I can say we waived those</p> <p>4 fees, you know, as a good faith in this case. The</p> <p>5 additional fees, I -- I don't know. It -- I would have</p> <p>6 to speak with the legal department to see if we waived</p> <p>7 those in good faith as -- as part of this case. I don't</p> <p>8 know.</p> <p>9 Q. Do you know for sure that the \$2,734.59 was, in</p> <p>10 fact, waived, because there's no mention of it in the</p> <p>11 notes, correct?</p> <p>12 A. Just a moment, please.</p> <p>13 Q. Sure.</p> <p>14 A. (Peruses documents.)</p> <p>15 (Discussion off the record.)</p> <p>16 A. All right. That was a two-point -- part</p> <p>17 question, and I don't see it in the notes; however, it's</p> <p>18 on the transaction history, so I have to believe, yes,</p> <p>19 it was actually -- the action was completed. The amount</p> <p>20 was waived.</p> <p>21 Q. (By Ms. Kellett) Okay. But somewhere there</p> <p>22 would have to be a record of somebody requesting that an</p> <p>23 amount that large be waived, correct?</p> <p>24 A. The entire amount is what you're referring to?</p> <p>25 Q. The 2,734.50, employees don't on their own</p>

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<p style="text-align: right;">Page 130</p> <p>1 waive amounts without permission, correct?</p> <p>2 A. No, no. That's correct.</p> <p>3 Q. Okay. So somebody would have to request that</p> <p>4 this additional \$2,734.59 be waived, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Where would the record of that request</p> <p>7 be?</p> <p>8 A. Just a moment. Let me look once more here.</p> <p>9 (Peruses document.) A couple of things: I would have</p> <p>10 to see that court order to see what the details are in</p> <p>11 regards to this waiver.</p> <p>12 Q. All right.</p> <p>13 A. That could be a reason to warrant the entire --</p> <p>14 a waiver of the entire amount, and this is a legal</p> <p>15 matter, and conversations could have been held outside</p> <p>16 of this account.</p> <p>17 Q. But somebody had to physically waive the</p> <p>18 transaction, correct?</p> <p>19 A. Right.</p> <p>20 Q. All right. Can the legal department make</p> <p>21 changes directly to the account as far as the -- the</p> <p>22 numbers on the account?</p> <p>23 A. As far as the balances, so on and so forth?</p> <p>24 Q. For the balances, yes.</p> <p>25 A. No. It's Caliber policy not to tamper with</p>	<p style="text-align: right;">Page 132</p> <p>1 MS. KELLETT: Okay. Sure.</p> <p>2 THE VIDEOGRAPHER: We're off the record at</p> <p>3 2:39 p.m.</p> <p>4 (Recess from 2:39 p.m. to 2:53 p.m.)</p> <p>5 THE VIDEOGRAPHER: We're back on the record</p> <p>6 at 2:43 p.m. -- I'm sorry, 2:53 p.m.</p> <p>7 Q. (By Ms. Kellett) All right. Mr. Harris, if</p> <p>8 you could look at Page 7 of Exhibit 3, or I should say</p> <p>9 the seventh page.</p> <p>10 A. Sure. Okay.</p> <p>11 Q. Okay. Starting towards the bottom, there's a</p> <p>12 series of transactions on 3-28-2014. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And those go down, it looks like,</p> <p>15 through the new -- the next page to line number 37; is</p> <p>16 that correct?</p> <p>17 A. Excuse me. Yes.</p> <p>18 Q. All right. Does this notate that Caliber is</p> <p>19 sending a check to Hidalgo County for \$2,734.59 for 2010</p> <p>20 taxes?</p> <p>21 A. Which line item are you looking at?</p> <p>22 Q. I'm looking at all of them. It makes sense to</p> <p>23 read them in concert.</p> <p>24 A. Sure. Just a moment.</p> <p>25 Q. Sure.</p>
<p style="text-align: right;">Page 131</p> <p>1 numbers, documents --</p> <p>2 Q. Right.</p> <p>3 A. -- so on and so forth.</p> <p>4 Q. Right. So somebody had to make this request,</p> <p>5 and somewhere there's -- somehow that request is</p> <p>6 documented somewhere, correct?</p> <p>7 A. If it -- I -- I didn't find it documented here.</p> <p>8 If someone was standing over someone else's shoulder and</p> <p>9 said, "Hey, go ahead and waive the fees," I'd -- I don't</p> <p>10 know, but the -- all the fees were waived.</p> <p>11 Q. Okay. But you don't know why?</p> <p>12 A. I can only assume why.</p> <p>13 Q. You think there's a court order, correct?</p> <p>14 A. It could be in the court order.</p> <p>15 Q. Do you know that there is, in fact, a court</p> <p>16 order ordering waiver of these fees?</p> <p>17 A. Well, they're making a reference to the court</p> <p>18 order on that task.</p> <p>19 Q. Uh-huh.</p> <p>20 A. Where was it at? So...</p> <p>21 Q. Was the court order scanned into the system?</p> <p>22 A. I haven't seen it.</p> <p>23 Q. All right.</p> <p>24 MS. HAYWARD: Karen, let's take a break</p> <p>25 because he's about to leave and pack it up.</p>	<p style="text-align: right;">Page 133</p> <p>1 A. (Peruses document.)</p> <p>2 MS. HAYWARD: I'm sorry. I've got ADT</p> <p>3 calling. Can we just go off the record for a second?</p> <p>4 MS. KELLETT: We're going off the record.</p> <p>5 THE VIDEOGRAPHER: We're off the record at</p> <p>6 2:55 p.m.</p> <p>7 (Recess from 2:55 p.m. to 2:56 p.m.)</p> <p>8 THE VIDEOGRAPHER: We're back on the record</p> <p>9 at 2:56 p.m.</p> <p>10 THE WITNESS: Repeat the question for me,</p> <p>11 please.</p> <p>12 (Requested portion was read.)</p> <p>13 A. Okay. (Peruses documents.) Yes. According to</p> <p>14 the notes, it looks like we made a disbursement payable</p> <p>15 to Hidalgo County. I see that on that 3-28 note, yes.</p> <p>16 Q. (By Ms. Kellett) And that was for 2010 taxes,</p> <p>17 correct?</p> <p>18 A. (Peruses document.)</p> <p>19 Q. It's top -- it's top of the next page.</p> <p>20 A. All right. That's correct. It does indicate</p> <p>21 2010 taxes.</p> <p>22 Q. All right. For \$2,734.59, correct?</p> <p>23 A. Correct.</p> <p>24 Q. All right. And if you look at Exhibit 10, if</p> <p>25 you look at the date 3-31-2014, the last 3-31-2014.</p>

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<p style="text-align: right;">Page 134</p> <p>1 A. Okay.</p> <p>2 Q. All right. There's a debit to the fee account</p> <p>3 of \$2,734.59, correct?</p> <p>4 A. (Peruses document.) Yes, that is correct, and</p> <p>5 I'd like to add that there's a credit below that also.</p> <p>6 Q. There's a credit below that on January 2nd,</p> <p>7 correct?</p> <p>8 A. Of 2015, correct.</p> <p>9 Q. Okay. Right now, we're on the debit.</p> <p>10 A. Okay.</p> <p>11 Q. Okay? So as of 3-31-2014, Caliber had</p> <p>12 disbursed \$2,734.59 for 2010 taxes and then shows the</p> <p>13 borrower as owing those taxes, correct?</p> <p>14 A. I'm sorry. I lost the question. Say it again.</p> <p>15 MS. KELLETT: Go ahead.</p> <p>16 (Requested portion was read.)</p> <p>17 A. (Peruses documents.) Well, on the same day,</p> <p>18 3-31-2014, I see a waiver, so I wouldn't say the</p> <p>19 borrower owes those taxes.</p> <p>20 Q. (By Ms. Kellett) Okay. We just discussed that</p> <p>21 that was a waiver of the above amount of \$7,845.60,</p> <p>22 correct?</p> <p>23 A. Give me just a moment, please. (Peruses</p> <p>24 document.) All right? Taxes, the 7,845?</p> <p>25 Q. Uh-huh, and 60 cents.</p>	<p style="text-align: right;">Page 136</p> <p>1 A. (Peruses document.)</p> <p>2 THE WITNESS: I'm sorry. Please repeat</p> <p>3 the question.</p> <p>4 (Requested portion was read.)</p> <p>5 A. No. This is not giving instructions to file a</p> <p>6 claim for that amount.</p> <p>7 Q. (By Ms. Kellett) Okay. What's it doing?</p> <p>8 A. Do you have a copy of the supplemental proof of</p> <p>9 claim?</p> <p>10 (Exhibit 14 marked for identification.)</p> <p>11 Q. (By Ms. Kellett) I'm introducing what's</p> <p>12 been -- oh, I think I've given you two copies. Is there</p> <p>13 one for Melissa?</p> <p>14 A. Is there another one?</p> <p>15 Q. Yeah.</p> <p>16 A. In here?</p> <p>17 Q. No. It's stuck together.</p> <p>18 MS. HAYWARD: Thank you. What is this</p> <p>19 number?</p> <p>20 MS. KELLETT: 14.</p> <p>21 MS. HAYWARD: 14?</p> <p>22 A. (Peruses document.)</p> <p>23 Q. (By Ms. Kellett) Do you recognize Exhibit 14?</p> <p>24 A. I do not.</p> <p>25 Q. So you didn't review it in connection with</p>
<p style="text-align: right;">Page 135</p> <p>1 A. And 60 cents? Okay. Just a moment. (Peruses</p> <p>2 documents.) Okay. At this time, yes, it does appear</p> <p>3 the account is due those fees.</p> <p>4 Q. The 2,734.59, correct?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Do you know why this is showing up</p> <p>7 under fees instead of escrow?</p> <p>8 A. I believe so. Give me just a moment.</p> <p>9 Q. Sure.</p> <p>10 A. (Peruses document.) It would show up under</p> <p>11 fees because it was -- as we mentioned earlier, it's a</p> <p>12 force-paid, a lender-paid insurance, so it would show up</p> <p>13 under fee.</p> <p>14 Q. All right. All right. If you go to the</p> <p>15 transactions beginning on Exhibit 3, 4-15-2014?</p> <p>16 A. 4-15, 20 what again?</p> <p>17 Q. '14.</p> <p>18 A. Okay.</p> <p>19 Q. There's a mention of the 2,734.59. Do you see</p> <p>20 that, at the very top?</p> <p>21 A. The 2,734.59? Yes.</p> <p>22 Q. Okay. Is this giving somebody instructions to</p> <p>23 file a supplemental proof of claim for the 2,734.59?</p> <p>24 A. Just a moment, please.</p> <p>25 Q. Sure.</p>	<p style="text-align: right;">Page 137</p> <p>1 preparing for your deposition?</p> <p>2 A. No, I did not.</p> <p>3 Q. All right. And is this a notice of post-</p> <p>4 petition mortgage fees, expenses, and charges for the</p> <p>5 \$2,734.59?</p> <p>6 A. That's what it reads in bold at the top of the</p> <p>7 page.</p> <p>8 Q. All right.</p> <p>9 (Exhibit 15 marked for identification.)</p> <p>10 (Discussion off the record.)</p> <p>11 Q. (By Ms. Kellett) Okay. I'm handing you</p> <p>12 Exhibit No. 15.</p> <p>13 MS. HAYWARD: Thank you.</p> <p>14 Q. (By Ms. Kellett) Do you recognize Exhibit No.</p> <p>15 15?</p> <p>16 A. This is my first time seeing this one.</p> <p>17 Q. All right. Have you seen any other notice of</p> <p>18 withdrawals of postpetition fees and expenses filed by</p> <p>19 Caliber?</p> <p>20 A. I haven't personally seen them, no.</p> <p>21 Q. All right.</p> <p>22 A. May I take a moment to read this?</p> <p>23 Q. Absolutely.</p> <p>24 A. Thank you. (Peruses document.) All right.</p> <p>25 Thank you.</p>

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<p style="text-align: right;">Page 138</p> <p>1 Q. Okay, okay. And you said you hadn't seen this</p> <p>2 document before?</p> <p>3 A. I have not.</p> <p>4 Q. Okay. Is this a document withdrawing -- No. 15</p> <p>5 a document withdrawing the document filed that we've</p> <p>6 marked as Exhibit 14?</p> <p>7 A. Yes.</p> <p>8 Q. All right.</p> <p>9 A. It appears to be.</p> <p>10 Q. All right. And No. 15, it says -- in the first</p> <p>11 paragraph at the bottom, it says, "The 2010 taxes were</p> <p>12 included in the Chapter 13 Plan," correct?</p> <p>13 A. That's exactly what it says.</p> <p>14 Q. All right. And if you look back at Exhibit 10,</p> <p>15 prior to January 2nd of 2015, did Caliber do anything in</p> <p>16 its internal records to waive the \$2,734.59 after it</p> <p>17 filed that withdrawal in April of 2014?</p> <p>18 MS. HAYWARD: Objection, form.</p> <p>19 A. Did Caliber do anything after -- please repeat</p> <p>20 the -- repeat the question.</p> <p>21 Q. (By Ms. Kellett) Well, between 4-21-14 and</p> <p>22 January 1st of 2015, did Caliber in its system waive the</p> <p>23 \$2,734.59?</p> <p>24 A. So between 4-21-2014 and which date?</p> <p>25 Q. Uh-huh, January 1st of 2015.</p>	<p style="text-align: right;">Page 140</p> <p>1 it says, "4-24-14 delinquent tax second letter -</p> <p>2 4-28-2014." Do you see that?</p> <p>3 A. 4-28?</p> <p>4 Q. This is in the description.</p> <p>5 A. Oh, yes. Second letter, 4-28-14?</p> <p>6 Q. Uh-huh.</p> <p>7 A. I see it.</p> <p>8 Q. Does that mean a letter was sent by Caliber to</p> <p>9 the debtors regarding the delinquent 2010 taxes?</p> <p>10 A. The details of that letter I don't know without</p> <p>11 reviewing it.</p> <p>12 Q. Okay. But you could find it and review it,</p> <p>13 correct?</p> <p>14 A. Absolutely.</p> <p>15 MS. HAYWARD: Objection, form.</p> <p>16 Q. (By Ms. Kellett) And it could be produced,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And if you go up to some entries on</p> <p>20 8-26-2014, do you see those?</p> <p>21 A. I see them.</p> <p>22 Q. All right. Is this showing that there are</p> <p>23 delinquent taxes for the year 2010 in the amount of</p> <p>24 \$1,278.27?</p> <p>25 A. (Peruses document.) I do see the amount of</p>
<p style="text-align: right;">Page 139</p> <p>1 A. So, okay. According to the transaction</p> <p>2 history, there were no transactions waived at that time.</p> <p>3 Q. All right. Okay. If you can look at the date</p> <p>4 on Exhibit 3 of 4-21-2014, and if you can review all the</p> <p>5 transactions in that series, which is 31 transactions.</p> <p>6 A. (Peruses document.) Okay. I reviewed it.</p> <p>7 Q. And were these notes that an attorney for</p> <p>8 Caliber had asked that Caliber withdraw the notice of</p> <p>9 postpetition taxes?</p> <p>10 A. Yes. It's make a request to withdraw or amend</p> <p>11 it, correct.</p> <p>12 Q. All right. If you go above that, there's some</p> <p>13 entries with respect to 2010 taxes for Hidalgo County in</p> <p>14 the amount of \$1,530.63. Do you see that?</p> <p>15 A. In that same area?</p> <p>16 Q. Yeah. I think -- I'm sorry. It's -- the date</p> <p>17 is 4-25-2014.</p> <p>18 A. You said if there's reference to the 2010</p> <p>19 taxes?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, there is.</p> <p>22 Q. Okay. And that's in the amount of 1,530.63,</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And then a few lines up from that,</p>	<p style="text-align: right;">Page 141</p> <p>1 \$1,278.27.</p> <p>2 Q. Right.</p> <p>3 A. Referring to the 2010 taxes.</p> <p>4 Q. All right. And if you go up above to the top</p> <p>5 of this page, do you see two amounts referring to the</p> <p>6 2010 taxes in the amounts of 1,530.63 and 743.18?</p> <p>7 A. (Peruses document.) I see those amounts.</p> <p>8 Q. Okay.</p> <p>9 A. But on that line, it doesn't make reference to</p> <p>10 the year, or wait. Wait a minute. Right above, it does</p> <p>11 say 2010. Give me just a moment, so I can --</p> <p>12 Q. Sure.</p> <p>13 A. -- look at the definitions. I'm not sure what</p> <p>14 ELD stands for. Let's see if it's in here. (Peruses</p> <p>15 document.) I don't see it in my definitions.</p> <p>16 Q. All right. Okay. How were these delinquent</p> <p>17 tax reports generated?</p> <p>18 A. Excuse me. That, I don't know. I'm not in the</p> <p>19 tax department. I don't generate tax reports.</p> <p>20 Q. So you don't know how this tax information</p> <p>21 appears in Caliber's notes?</p> <p>22 A. I don't know if we'd reach out to the tax</p> <p>23 department or if there's a website we accessed to get</p> <p>24 that info. I don't know.</p> <p>25 Q. All right. Does -- let's look at October 28th</p>

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<p style="text-align: right;">Page 142</p> <p>1 of 2014, and does this show that, in fact, Caliber paid</p> <p>2 income taxes in the amount of 1,530.63 and \$743.18?</p> <p>3 A. Just a moment. (Peruses document.) It -- that</p> <p>4 10-28 notes doesn't specify that the payment was made.</p> <p>5 There's a -- it just references tax information.</p> <p>6 Q. Okay. And it says something about DISB. Does</p> <p>7 that mean disburse?</p> <p>8 A. And disburse. Just a moment. (Peruses</p> <p>9 document.) Yes. It does mean disbursed. On the</p> <p>10 transaction history, Exhibit 10 --</p> <p>11 Q. All right.</p> <p>12 A. -- you see an amount disbursed that matches the</p> <p>13 amount on Exhibit 3.</p> <p>14 Q. Okay. And in -- in here, these accounts are</p> <p>15 credited to the escrow account, correct?</p> <p>16 A. (Peruses documents.) Yes. It's under the</p> <p>17 escrow column.</p> <p>18 Q. All right. But do you know why these taxes are</p> <p>19 in the escrow column, and the previous taxes in the</p> <p>20 amount of \$2,734.59 were placed in the fee column?</p> <p>21 A. Give me just a moment. (Peruses documents.)</p> <p>22 Just a moment. I don't recall the -- the reason why we</p> <p>23 would put these in the escrow rather than the fee</p> <p>24 screen.</p> <p>25 Q. Okay. Who would know the answer to that?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Okay. We established that that was a payment</p> <p>2 by Caliber for force-placed insurance, correct?</p> <p>3 A. Just a moment. (Peruses documents.)</p> <p>4 1-13-2014. It says the escrow disbursement where we</p> <p>5 found it to be a -- a force-placed, but I don't recall</p> <p>6 where we found that piece of information. Let's see.</p> <p>7 1-13-2014. (Peruses document.) And I don't see that on</p> <p>8 the --</p> <p>9 Q. On the notes --</p> <p>10 A. -- Exhibit 3.</p> <p>11 Q. On the notes on 1-14-2014.</p> <p>12 A. Right, 1-14-2014. Oh, here we go. 1-14, yes;</p> <p>13 1-14, yes. Okay. So 1-14, a disbursement was made, and</p> <p>14 then a note was followed -- a note followed indicating</p> <p>15 it was lender-placed, correct.</p> <p>16 Q. Lender-placed insurance, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Do you know if Caliber filed a Rule</p> <p>19 3002.1 notice with respect to that lender-placed</p> <p>20 insurance in the debtor's bankruptcy proceeding?</p> <p>21 A. I haven't seen it.</p> <p>22 Q. All right. If we go to -- down to on Exhibit</p> <p>23 10, 11 -- November 5 of 2014.</p> <p>24 A. Exhibit 10, November 5, 2014. Okay.</p> <p>25 Q. Do you see an escrow disbursement in the amount</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I'll answer that. Give me just a moment. Let</p> <p>2 me see if I can remember why this is placed in a</p> <p>3 different column. I don't recall. I would have to</p> <p>4 speak with someone in the escrow department for</p> <p>5 clarification.</p> <p>6 Q. All right. Okay. Do you know if Caliber filed</p> <p>7 a 3002.1 notice with the Court with respect to the taxes</p> <p>8 disbursed on October 28th of 2014?</p> <p>9 A. (Peruses document.) You're asking if we filed</p> <p>10 the 3002 with respect to the taxes from 2014?</p> <p>11 Q. From -- the 3002.1 with respect to the taxes</p> <p>12 that were disbursed on October 28th of 2014.</p> <p>13 A. 2014. No, I haven't seen one.</p> <p>14 Q. All right. And going back up to on Exhibit 10,</p> <p>15 the transaction dated 12-23-2013, Exhibit 10.</p> <p>16 A. Okay.</p> <p>17 Q. This was a payment for force-placed insurance</p> <p>18 in the amount of \$2,828.38, correct? We established</p> <p>19 that?</p> <p>20 A. You said 12-28?</p> <p>21 Q. 12-20 -- I'm sorry. It was 1 -- 1-13-2014. I</p> <p>22 apologize.</p> <p>23 A. Okay. 1-13-2014?</p> <p>24 Q. Uh-huh.</p> <p>25 A. And the question again?</p>	<p style="text-align: right;">Page 145</p> <p>1 of \$2,546.17?</p> <p>2 A. Yes, I do.</p> <p>3 Q. All right. What was that escrow disbursement</p> <p>4 for?</p> <p>5 A. Just a moment. (Peruses documents.) It tells</p> <p>6 us what it's for on Exhibit 11. 11-5-2014, it's not --</p> <p>7 it says "E20," which is a code, and -- (peruses</p> <p>8 document.) And I don't recall if 20 is for taxes or</p> <p>9 insurance. I don't recall.</p> <p>10 Q. All right. Do you know why there's not any</p> <p>11 notes about that transaction in the -- the notes</p> <p>12 exhibit?</p> <p>13 A. Let's double-check. Just a moment. (Peruses</p> <p>14 document.) That -- I don't see any notes.</p> <p>15 Q. Should there be notes?</p> <p>16 A. There just may be notes.</p> <p>17 Q. Where would those notes be?</p> <p>18 A. I'm recalling. There are different areas which</p> <p>19 we're -- we're working to eliminate, but this was back</p> <p>20 in 2014. At that time, we had different places where we</p> <p>21 can place notes, so I don't know if this would be under</p> <p>22 that scenario. Since then, everything goes under</p> <p>23 global/notes now.</p> <p>24 Q. But back then, there could be a different notes</p> <p>25 field?</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. Could have been, where we can sort escrow notes</p> <p>2 from -- each business -- business unit may have notes.</p> <p>3 Q. Okay.</p> <p>4 A. I'm not sure if that's the case, but that's the</p> <p>5 only thing I can come up with on that.</p> <p>6 Q. Okay. You could still get the escrow notes,</p> <p>7 correct?</p> <p>8 A. I'm sure.</p> <p>9 Q. All right.</p> <p>10 A. We retain those records.</p> <p>11 Q. All right. And then also on the escrow, you</p> <p>12 can pull up an escrow screen, right, that shows all the</p> <p>13 amounts paid out of escrow and paid into escrow?</p> <p>14 A. Escrow disbursements?</p> <p>15 Q. Yes.</p> <p>16 A. Yes.</p> <p>17 Q. All right. And these -- this transaction would</p> <p>18 show up in that escrow disbursement, correct?</p> <p>19 A. I'm -- I'm sure.</p> <p>20 Q. Okay. Do you know if Caliber filed a Rule</p> <p>21 3002.1 notice in a bankruptcy court for the escrow</p> <p>22 disbursement on November 5th, 2014?</p> <p>23 A. Just a moment. (Peruses document.) I haven't</p> <p>24 seen any.</p> <p>25 Q. Okay. If you look down at the next item below,</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. All right. Do you understand what the 3002.1</p> <p>2 notices are for?</p> <p>3 A. To my understanding, it's an amendment to the</p> <p>4 proof of claim.</p> <p>5 Q. Right. But do you know what they're used for,</p> <p>6 the 3002.1 notices?</p> <p>7 A. To amend the proof of claim, maybe amend the</p> <p>8 balance, but I can --</p> <p>9 Q. All right. It's to amend the claim so that --</p> <p>10 so that the debtors will owe the money to be paid</p> <p>11 Caliber, correct?</p> <p>12 A. Well, again, I'm not a lawyer. I couldn't tell</p> <p>13 you what these legal documents are about, but to my</p> <p>14 knowledge, it's to make an amendment to the claim.</p> <p>15 Q. Okay. So I'd like you to look for a minute,</p> <p>16 there are -- during the course of while Caliber had this</p> <p>17 loan, and do you -- do you remember when Caliber service</p> <p>18 released this loan?</p> <p>19 A. I don't remember, but maybe we can figure it</p> <p>20 out by looking at the documents. (Peruses documents.)</p> <p>21 (Exhibit 16 marked for identification.)</p> <p>22 MS. HAYWARD: Is this 14?</p> <p>23 THE REPORTER: 16.</p> <p>24 MS. HAYWARD: 16. I'm way off.</p> <p>25 Q. (By Ms. Kellett) Okay. We're showing you</p>
<p style="text-align: right;">Page 147</p> <p>1 there's a transaction on 11-21-2014 for \$2,512.74. Do</p> <p>2 you see that?</p> <p>3 A. On Exhibit 10?</p> <p>4 Q. 10, uh-huh.</p> <p>5 A. 11-21-2014?</p> <p>6 Q. Yes.</p> <p>7 A. I see it.</p> <p>8 Q. Okay. And that means there was an amount</p> <p>9 disbursed out of escrow with a transaction code of E90.</p> <p>10 Do you know what that's for?</p> <p>11 A. E90, it could be either tax or insurance. I</p> <p>12 don't recall what that one -- that one is for.</p> <p>13 Q. All right. But, again, that shows as what's</p> <p>14 being owed by the borrowers on -- on the escrow account,</p> <p>15 correct?</p> <p>16 A. Again, this is a bankruptcy account, so it is</p> <p>17 owed to the account, not the borrowers, per se.</p> <p>18 Q. Well, do you know how Caliber could recover</p> <p>19 those monies from the borrowers --</p> <p>20 MS. HAYWARD: Objection, form.</p> <p>21 Q. (By Ms. Kellett) -- legally?</p> <p>22 A. Legally? I'm --</p> <p>23 Q. Yes.</p> <p>24 A. -- not a lawyer, so I couldn't tell you</p> <p>25 anything legally.</p>	<p style="text-align: right;">Page 149</p> <p>1 what's been marked as Exhibit 16 to your deposition.</p> <p>2 A. Okay.</p> <p>3 Q. It's a two-page document that I've paper-</p> <p>4 clipped together. Do you recognize this document?</p> <p>5 A. Yes.</p> <p>6 Q. All right. If you look at the second page of</p> <p>7 this document, what does the first sentence say?</p> <p>8 A. "The servicing of your mortgage loan is being</p> <p>9 transferred, effective January 1st, 2015."</p> <p>10 Q. All right. So the loan was service released</p> <p>11 effective January 1st, 2015, correct?</p> <p>12 A. Right. It also says, moving forward to the</p> <p>13 third paragraph, that it looks like Select Portfolio</p> <p>14 will begin taking payments on January 2nd, so, yes.</p> <p>15 Q. So it was service released to SPS, correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. During the period -- look at the</p> <p>18 escrow account from the first escrow item, which was on</p> <p>19 1-13-2014, correct?</p> <p>20 A. 1-13-2014?</p> <p>21 Q. Yes, the 2,828.38.</p> <p>22 A. Exhibit 10?</p> <p>23 Q. Yes.</p> <p>24 A. 1-13-2014.</p> <p>25 Q. Okay. There are five credits to the escrow</p>

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<p style="text-align: right;">Page 150</p> <p>1 account; is that correct?</p> <p>2 A. On 1-13-2014?</p> <p>3 Q. No, during the -- during the time Caliber had</p> <p>4 the loan until it was service released on January 1st.</p> <p>5 A. The total amount of escrow disbursements on</p> <p>6 Exhibit 10?</p> <p>7 Q. Yeah. There were -- there were five escrow</p> <p>8 transactions, correct?</p> <p>9 A. Let me see. (Peruses document.) There are</p> <p>10 other escrow disbursements, but those are manual, and</p> <p>11 they have zero amounts next to it. The ones with</p> <p>12 amounts, yes, there are five.</p> <p>13 Q. All right. Can you -- I've got a calculator on</p> <p>14 my phone. Can you give me the total of those five or</p> <p>15 the balance of the escrow account as of January 1st?</p> <p>16 A. (Complies.) Your phone vibrated. Have you got</p> <p>17 a pen, so I can -- is there another -- can I borrow your</p> <p>18 pen for a second?</p> <p>19 Q. Yeah. Oh, sorry.</p> <p>20 A. Can I write on the back of this?</p> <p>21 Q. No.</p> <p>22 THE WITNESS: Thank you.</p> <p>23 A. Okay. Let me just do this again.</p> <p>24 Q. (By Ms. Kellett) What was the number that you</p> <p>25 got?</p>	<p style="text-align: right;">Page 152</p> <p>1 boarding process, but I don't know much about our</p> <p>2 release process.</p> <p>3 Q. Who would know that?</p> <p>4 A. That, I don't know. I haven't been involved in</p> <p>5 moving loans from us to another servicer. I don't know.</p> <p>6 Q. All right. But you do know about the boarding</p> <p>7 process?</p> <p>8 A. Yes.</p> <p>9 Q. All right. So if somebody had a negative</p> <p>10 \$10,161.10 from the prior servicer on their escrow</p> <p>11 account, that would board into Caliber's account if it</p> <p>12 were coming in as being owed by the borrower, correct?</p> <p>13 A. Once we validate the balances, yes.</p> <p>14 Q. All right. And --</p> <p>15 A. And let me clarify.</p> <p>16 Q. Sure.</p> <p>17 A. Not the borrower, but to the account.</p> <p>18 Q. Why not the borrower?</p> <p>19 MS. HAYWARD: Objection, form.</p> <p>20 A. As I mentioned earlier, it was a active</p> <p>21 bankruptcy once we got the loan, so we're not gonna</p> <p>22 request money from the borrower, but the account is due</p> <p>23 funds, not the borrower.</p> <p>24 Q. (By Ms. Kellett) Okay. Well, let me rephrase</p> <p>25 it. Pretend that this borrower was never in bankruptcy.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. Well, this is -- give me just a moment, and let</p> <p>2 me add it up.</p> <p>3 Q. I think you got the right number, so...</p> <p>4 A. Right. Okay. \$10,161.10?</p> <p>5 Q. Yes. That's what I got as well.</p> <p>6 A. Okay.</p> <p>7 Q. All right.</p> <p>8 A. You want your phone back?</p> <p>9 Q. Do you know if this is the amount of escrow</p> <p>10 that was shown as being owed by the borrower that was</p> <p>11 sent to SPS upon the servicing transfer?</p> <p>12 A. Just a moment. (Peruses documents.) I don't</p> <p>13 know. I don't know what amount was transferred to the</p> <p>14 new servicer.</p> <p>15 Q. All right. If you --</p> <p>16 MR. KELLETT: Well, let me strike that.</p> <p>17 Q. (By Ms. Kellett) Should there be notes on the</p> <p>18 servicing transfer in the -- Caliber's notes?</p> <p>19 A. Not necessarily. I haven't seen amounts</p> <p>20 indicated during the service transfer, just that the</p> <p>21 service was released.</p> <p>22 Q. Well, how did -- how is it determined that a</p> <p>23 recoverable balance in the escrow account will be</p> <p>24 transferred to the new servicer?</p> <p>25 A. Well, that, I don't know. I know about our</p>	<p style="text-align: right;">Page 153</p> <p>1 A. Okay.</p> <p>2 Q. Okay? And the loan was coming to Caliber with</p> <p>3 a negative \$10,161.10 in the escrow account. Would</p> <p>4 Caliber consider the borrower to owe that escrow</p> <p>5 account?</p> <p>6 MS. HAYWARD: Objection, form.</p> <p>7 A. Well, that scenario does not apply to this</p> <p>8 account.</p> <p>9 Q. (By Ms. Kellett) I'm asking generally.</p> <p>10 A. Generally speaking, yes, the borrowers would be</p> <p>11 due that amount.</p> <p>12 Q. You mean the borrowers would owe that amount?</p> <p>13 A. I'm sorry. Yes. The account would be due that</p> <p>14 amount, and the borrowers would owe that amount.</p> <p>15 Q. Okay. And you don't see here under the amount</p> <p>16 to escrow that at any point that any of those escrow</p> <p>17 amounts were waived, correct?</p> <p>18 A. I don't see that -- I'm sorry. Repeat the</p> <p>19 question.</p> <p>20 MS. KELLETT: I'm sorry.</p> <p>21 (Requested portion was read.)</p> <p>22 A. (Peruses document.) During the course of the</p> <p>23 account, or is there a specific --</p> <p>24 Q. (By Ms. Kellett) At --</p> <p>25 A. -- date range?</p>

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<p style="text-align: right;">Page 154</p> <p>1 Q. At any time.</p> <p>2 A. At any time?</p> <p>3 Q. Yeah, yeah.</p> <p>4 A. I see a fee waiver.</p> <p>5 Q. No. I'm looking at the -- the column entitled</p> <p>6 "Amount to Escrow." I'm sorry.</p> <p>7 A. Amount to escrow. No. Under that column, I</p> <p>8 don't see any waivers.</p> <p>9 Q. Okay. So you don't know if the account</p> <p>10 transferred to SPS showing that the debtors owed</p> <p>11 \$10,161.10 on their escrow account, correct?</p> <p>12 A. No. I don't take part in the release of loans.</p> <p>13 Q. All right. How -- how could you find out that</p> <p>14 information?</p> <p>15 A. I can reach out to some higher-ups and see how</p> <p>16 that process takes place.</p> <p>17 Q. Is there anything you could look at in your</p> <p>18 Fiserv system that would tell you if those amounts were</p> <p>19 ever waived, for instance, the escrow screen?</p> <p>20 A. Just a moment. (Peruses document.) So are</p> <p>21 these -- you honed in specifically on the column that</p> <p>22 says "Amount to Escrow."</p> <p>23 Q. Correct.</p> <p>24 A. If we go over to the "Amount to Fees," it's</p> <p>25 like --</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. All right. How could you find out if this fee</p> <p>2 amount of \$2,734.59 was actually transferred to SPS as</p> <p>3 being owed by the borrower?</p> <p>4 A. We can reach out to some higher-ups or perhaps</p> <p>5 SPS to see what the status is on the account.</p> <p>6 Q. All right. Is that something you could look at</p> <p>7 a computer screen and determine?</p> <p>8 A. No. I mean, I don't have access to SPS's</p> <p>9 systems.</p> <p>10 Q. No. But what about leaving Caliber's system?</p> <p>11 A. I haven't taken part in the release of loans,</p> <p>12 so I haven't seen that in our systems at all.</p> <p>13 Q. Okay. Well, somebody would know how much fees</p> <p>14 in -- in an escrow that a borrower owes is gonna be sent</p> <p>15 to the next servicer, correct?</p> <p>16 A. Somebody should know, correct.</p> <p>17 Q. All right. So somebody can find out if -- if</p> <p>18 either of these amounts, the 10,161.10 and/or the</p> <p>19 2,734.59, was sent to Caliber as being owed by the</p> <p>20 borrower -- I mean, was sent to SPS as being owed by the</p> <p>21 borrower, correct?</p> <p>22 A. Someone could find out, yes.</p> <p>23 Q. Okay. Let's go back to Exhibit 3.</p> <p>24 A. Okay.</p> <p>25 Q. All right. On 12-26, 2014 --</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. I'm -- but I'm talking about the -- what was</p> <p>2 placed into the escrow account for this question.</p> <p>3 A. Well, those two columns are kind of related, as</p> <p>4 we established earlier, and there is a credit amount</p> <p>5 under the amount to fees on January 2nd, 2015.</p> <p>6 Q. All right. And the loan was service released</p> <p>7 on January 1st, 2015, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Do you happen to know if the dollar amount of</p> <p>10 \$2,734.59 is shown on the SPS -- SPS's system as being</p> <p>11 owed by the borrower?</p> <p>12 A. No. I don't have access to SPS's systems.</p> <p>13 Q. All right. If you could, I want to get you</p> <p>14 to -- if you could take the escrow balance of the -- the</p> <p>15 \$10,161.10 --</p> <p>16 A. Uh-huh.</p> <p>17 Q. Okay. And add the \$2,734.59 from the fees?</p> <p>18 A. Okay.</p> <p>19 Q. What is the dollar amount of that?</p> <p>20 A. Without rechecking my work, it's \$12,895.69.</p> <p>21 Q. Do you know if that dollar amount shows up on</p> <p>22 SPS's servicing system of record as being owed by the</p> <p>23 borrowers when SPS started servicing the loan?</p> <p>24 A. I don't have access to SPS's systems, so I</p> <p>25 don't know.</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Okay.</p> <p>2 Q. -- there's entries regarding a check in the</p> <p>3 amount of \$2,273.81 being returned from Hidalgo County,</p> <p>4 correct?</p> <p>5 A. 12-26, return check, Hidalgo County.</p> <p>6 Q. Okay. And then it says, "Forwarding check to</p> <p>7 accounting to be made out to Caliber for deposit,"</p> <p>8 correct?</p> <p>9 A. (Peruses document.) The second sentence of</p> <p>10 that note does state that, yes.</p> <p>11 Q. All right. This was on 12-26.</p> <p>12 A. Uh-huh.</p> <p>13 Q. I'm trying -- where in the transaction history</p> <p>14 does it show that \$2,273.81 deposit by Caliber?</p> <p>15 A. Just a moment. (Peruses documents.) Okay. It</p> <p>16 doesn't say that within the transactions; however, if</p> <p>17 you go to Exhibit 3 --</p> <p>18 Q. Okay.</p> <p>19 A. -- and look at the date 1-13-2015 --</p> <p>20 Q. Uh-huh.</p> <p>21 A. -- this is after the service release, and the</p> <p>22 second line item on January 13, 2015, says, "Account has</p> <p>23 been service released, check request to forward funds to</p> <p>24 new servicer."</p> <p>25 Q. Okay. But this is a different dollar amount.</p>

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<p style="text-align: right;">Page 158</p> <p>1 The dollar amount I'm talking about, the refund check on 2 the next page from the taxing authority was \$2,273.81. 3 A. Two thousand. Okay. Let's see. Let me 4 continue on. Maybe there's another check forwarded. 5 (Peruses document.) Also, above that on 2-24-14, there 6 was a payment with a invalid loan number or a missing 7 number off the loan number. That could -- it could have 8 been that check in that case, and then also above that, 9 another payment was forwarded. Is that the same amount? 10 Q. Yeah. There is a payment on 2-28, so look at 11 that. It says, "Forwarding tax payment to new servicer, 12 Check No. 220730 in the amount of \$2,273.81." 13 A. Right, and -- 14 Q. But I see that, but it doesn't show up on the 15 transaction history. 16 A. Just a moment. (Peruses documents.) I 17 apologize. What was the amount that we're looking for 18 again? 19 Q. Two -- two thousand -- 20 A. Twenty-two something. 21 Q. 2,273.81. 22 A. Yeah, and there it is there. It was forwarded 23 to the new servicer. 24 Q. Well -- 25 A. And it was dated 12-29-14, forwarded to the new</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. All right. 2 A. But in that case, yes, it would show up in the 3 transaction history, so I can't say -- 4 Q. But it doesn't, correct? 5 A. So I can't say that that's an explanation. 6 Q. All right. We don't see either of those 7 transactions on the transaction history, correct? 8 A. That's correct, we don't. 9 Q. We don't see that that -- from here, we don't 10 see that that money was forwarded to the new servicer or 11 credited to the debtor's account in any way, correct? 12 A. I don't see it credited to the transaction 13 history; however, I'd have to reach out to SPS to see if 14 they received the check with that check number on it. 15 Q. All right. But you don't see it being credited 16 to the debtor's account in any way, either the escrow 17 account or the fee account, correct? 18 A. Let me double-check to make sure. (Peruses 19 document.) No, I don't. 20 Q. All right. Those dollar amounts are gonna be 21 in some fields other than these notes, correct? 22 A. They're gonna be in some fields over what 23 again? 24 Q. In some fields in the system of record other 25 than just in these notes, correct? There's gonna be</p>
<p style="text-align: right;">Page 159</p> <p>1 servicer. 2 Q. Okay. Well, let's look back at these two 3 transactions. Go back to 12-26 on the Exhibit 3. 4 A. Okay. 5 Q. Okay. It says you got a check with a Check No. 6 199644 in the amount of 2,273.81, correct? 7 A. I see that. 8 Q. All right. And it says, "Forwarding check to 9 accounting to be made out to Caliber for deposit," 10 correct? 11 A. Correct. 12 Q. All right. And then on 2-28 of 2015, it says, 13 "Forwarding tax payment to new servicer, Check No. 14 220730 in the amount of 2,273.81," correct? 15 A. On which date were you looking at? 16 Q. February 28, 2015. 17 A. Okay. The same date. Right, "Forwarding tax 18 payment to new servicer, Check No. 220730 in the amount 19 of 2,273.81," right. 20 Q. So apparently Caliber deposited the check it 21 got from the tax department and cut its own check to the 22 new servicer, correct? 23 A. Let me see if the check number is on the -- on 24 here before I answer that. (Peruses document.) I don't 25 know the explanation. That's a possible explanation.</p>	<p style="text-align: right;">Page 161</p> <p>1 some credit and debit -- 2 A. Right. 3 Q. -- somewhere, correct? 4 A. In the transaction history, yes. 5 Q. Yes. 6 A. If it was cashed. 7 Q. Okay. 8 A. Yeah, absolutely. 9 Q. All right. Okay. So let's go to one that's 10 actually easier. If we go to 1-13-2015. 11 A. Okay. 12 Q. It's actually the second page of Exhibit 3 from 13 the front. 14 A. Oh, okay. This is 3, right? What did you say? 15 2013? 16 Q. No. I'm sorry. January 13th of 2015 on the 17 second page. It's sort of in the middle. 18 A. Okay. I'm there. 19 Q. All right. There's some transactions on 20 actually 1-9, January 9, and also January 13. 21 A. Okay. 22 Q. Do you see that? 23 A. Yes. 24 Q. All right. And what is that explaining? 25 A. 1-9-2015? Let's see. It says, "Hazard lender-</p>

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<p style="text-align: right;">Page 162</p> <p>1 placed insurance was cancelled due to the service 2 release."</p> <p>3 Q. All right. And did Caliber get a wire transfer 4 in the amount of 2,121.27?</p> <p>5 A. (Peruses document.) I see that in the notes. 6 (Peruses document.) I also see that in the transaction 7 history.</p> <p>8 Q. Right. It shows up as a single item receipt, 9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And then it also -- if we go back 12 to the notes, Exhibit 3, it says, "Account has been 13 service released, check request to forward funds to new 14 servicer"; is that correct?</p> <p>15 A. I'm sorry. Which date?</p> <p>16 Q. 1-13 of 2015.</p> <p>17 A. "Check to forward funds to new servicer," yes.</p> <p>18 Q. All right. So, and, in fact, it looks like a 19 check was, in fact, cut to the new servicer, correct, on 20 1-31 of 2015 for 2,121.27, correct?</p> <p>21 A. Just a moment. (Peruses document.) Yes. In 22 the same amount, there was a credit.</p> <p>23 Q. All right. So it says there's a check 24 requested. Do you know why there's no notes on January 25 31st about the check actually being issued and sent to</p>	<p style="text-align: right;">Page 164</p> <p>1 A. (Peruses documents.) Yes. We would be 2 forwarding -- forwarding these funds to SPS, correct.</p> <p>3 Q. Okay. And so, in fact, the transaction history 4 shows a single item receipt on January 26th of 2015 in 5 the amount of 697.80 and then a credit in the amount of 6 697.80 on January 31st, 2015; is that correct?</p> <p>7 A. Please repeat the question, and then I'll need 8 a five-minute break after this, please.</p> <p>9 Q. Yeah.</p> <p>10 A. Or 10.</p> <p>11 Q. We're almost done with this part. 12 (Requested portion was read.)</p> <p>13 A. I'm so sorry. I might need you to repeat that 14 again. January 26, 2015?</p> <p>15 MS. KELLETT: Let me -- let me strike that.</p> <p>16 A. Okay.</p> <p>17 Q. (By Ms. Kellett) So on -- the notes indicate 18 that a check came from the trustee for the monthly 19 mortgage payment in the amount of 697.80, correct?</p> <p>20 A. On -- I did see that, 697.80. On which date?</p> <p>21 Q. One -- the notes are on 1-27 of 2015.</p> <p>22 A. 1-27-2015. I do see posted 697.80 from 23 trustee.</p> <p>24 Q. Right. And then again on the transaction 25 history, that same 697.80 shows up on 1-26-2015 as a</p>
<p style="text-align: right;">Page 163</p> <p>1 SPS?</p> <p>2 A. In reference to the credit from 1-31-2015?</p> <p>3 Q. Yes.</p> <p>4 A. (Peruses documents.) I don't know why there's 5 no note indicating that transaction amount, but as I 6 mentioned earlier, we're working to consolidate our 7 notation screen, so it could have been placed on a 8 separate screen.</p> <p>9 Q. Okay. But you could find it, correct?</p> <p>10 A. Hopefully.</p> <p>11 Q. Well, if there was a -- if there was a check 12 sent, there's gonna be a record of the -- the check 13 number and the check being cashed, correct?</p> <p>14 A. There should be. I hope so.</p> <p>15 Q. All right. So let's stay on 1-27. There were 16 three payments that came from the trustee after the 17 service release, and the first one is reflected on 18 Exhibit 3, if we look at the transactions on 1-27-2015.</p> <p>19 A. I see on Exhibit 3, right, 1-27?</p> <p>20 Q. Yes.</p> <p>21 A. Okay. I'm on 1-27-2015.</p> <p>22 Q. Uh-huh. It says, "Posted 697.80 from trustee 23 check 1055657 to 3z due to account being service 24 released. Will issue check request to forward funds." 25 Does that mean forward funds to SPS?</p>	<p style="text-align: right;">Page 165</p> <p>1 single item receipt, correct?</p> <p>2 A. Let me see. (Peruses document.) Yes, it does.</p> <p>3 Q. All right. And then right below that, there's 4 a -- it says, "Escrow disbursement manual" in the amount 5 of 697.80. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So that -- is that disbursing the -- the 8 697.80 to SPS?</p> <p>9 A. It says "manual," so it could be going to SPS. 10 I would -- well, I don't want to assume where it's 11 going. I'd have to check and see where that check 12 actually went.</p> <p>13 Q. Okay.</p> <p>14 A. But, yes.</p> <p>15 Q. So you don't know if Caliber cashed the check 16 and wrote a separate check to SPS or they just sent the 17 check on to SPS; is that correct?</p> <p>18 A. Without doing further investigation, or wait.</p> <p>19 Yeah. In -- for that amount, I don't know.</p> <p>20 Q. All right.</p> <p>21 A. I need five, 10, please.</p> <p>22 Q. Yeah. That's fine. That's fine.</p> <p>23 A. Thank you.</p> <p>24 THE VIDEOGRAPHER: We're off the record at 25 4:18 p.m.</p>

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<p style="text-align: right;">Page 166</p> <p>1 (Recess from 4:18 p.m. to 4:35 p.m.)</p> <p>2 THE VIDEOGRAPHER: We're back on the record</p> <p>3 at 4:35 p.m.</p> <p>4 Q. (By Ms. Kellett) All right. So if you could</p> <p>5 go to Exhibit No. 10, please?</p> <p>6 A. Okay.</p> <p>7 Q. All right. If you look down on 2-24 and 25,</p> <p>8 there's three entries for 697.80, correct: a debit, a</p> <p>9 credit, and then a debit again?</p> <p>10 A. In 2015?</p> <p>11 Q. No. I'm sorry. Yeah, 2-24 and then 2-25, and</p> <p>12 I'm sorry, and then there's a final credit again. Do</p> <p>13 you see that?</p> <p>14 A. We're referring to the year 2015?</p> <p>15 Q. Yes.</p> <p>16 A. Yes.</p> <p>17 Q. On February 24th and 25th.</p> <p>18 A. Yes. I see that.</p> <p>19 Q. All right. So let's go to the notes for that</p> <p>20 time period.</p> <p>21 A. Okay. Okay.</p> <p>22 Q. Okay. So it says -- if we go to 3-25 and</p> <p>23 3-26 --</p> <p>24 A. On Exhibit 3?</p> <p>25 Q. Yeah. Does this show you getting two payments</p>	<p style="text-align: right;">Page 168</p> <p>1 there was a credit added to the account, then it was</p> <p>2 then removed from the account. That's what I mean by a</p> <p>3 reversal.</p> <p>4 Q. Okay. And but then it shows another receipt</p> <p>5 and then a manual escrow disbursement.</p> <p>6 A. Right. I see that.</p> <p>7 Q. But I don't see any notes with respect -- I see</p> <p>8 one line that says on Exhibit 3, "697.80 reversed-funds</p> <p>9 reallocated."</p> <p>10 A. Right. I see that.</p> <p>11 Q. But if there was a disbursement, where are the</p> <p>12 notes related to the disbursement, and to whom was the</p> <p>13 payment disbursed?</p> <p>14 A. (Peruses documents.) I don't see notes</p> <p>15 indicating why or to whom it was disbursed to.</p> <p>16 Q. Does that information exist somewhere?</p> <p>17 A. I'm hopeful that it does. As I mentioned</p> <p>18 earlier, there -- there may be a few different areas</p> <p>19 that we may make -- make notations, which has since been</p> <p>20 corrected, so I would have to investigate.</p> <p>21 Q. Okay. And you understand that these are -- are</p> <p>22 payments still coming in from the Chapter 13 trustee on</p> <p>23 the Trevinos' account?</p> <p>24 A. Yes. I do see payments coming in.</p> <p>25 Q. All right. And if we go up to 3-26-2015 --</p>
<p style="text-align: right;">Page 167</p> <p>1 from the trustee, or is this getting a payment,</p> <p>2 reversing it, then saying you got it again, and then</p> <p>3 sending it to maybe the new servicer? Maybe you can</p> <p>4 tell me what's going on with this, these transactions.</p> <p>5 A. Okay. So we're referring to -- you just</p> <p>6 mentioned 3-25?</p> <p>7 Q. Yeah, 3-24 and 25. There's a series of</p> <p>8 transactions involving \$697.80.</p> <p>9 A. Are you meaning 2-24 and 25?</p> <p>10 Q. I'm sorry, yeah, February 24 and 25.</p> <p>11 A. Okay. I see that series of transactions.</p> <p>12 Let's see. (Peruses documents.) So it looks like --</p> <p>13 I'm sorry. Please repeat the question before I --</p> <p>14 Q. Well, I guess what I'm trying to figure out</p> <p>15 is: There's four transactions on February 24th and 25</p> <p>16 involving the amount of \$697.80.</p> <p>17 A. Okay.</p> <p>18 Q. And I'm trying to figure out what those four</p> <p>19 transactions mean.</p> <p>20 A. Okay. Let's see. (Peruses documents.) Well,</p> <p>21 it seems that a single item was received, and we</p> <p>22 reversed it the very next day.</p> <p>23 Q. And what does "reversed" mean?</p> <p>24 A. So if there was a balance added to the account,</p> <p>25 it was then removed from the account or vice versa: If</p>	<p style="text-align: right;">Page 169</p> <p>1 A. Okay.</p> <p>2 Q. -- there's another 697.80 that says "trustee</p> <p>3 check"?</p> <p>4 A. Are we looking at 3 or 10?</p> <p>5 Q. I'm looking at 3, Exhibit 3.</p> <p>6 A. Okay. So 3-26-15?</p> <p>7 Q. Yes.</p> <p>8 A. I see the note that says, "Posted 697.80,</p> <p>9 trustee check."</p> <p>10 Q. Right. And this check was actually returned to</p> <p>11 the trustee, correct?</p> <p>12 A. That's -- yes. That's what the note indicates.</p> <p>13 Q. Okay. Do you know why the trustee wasn't</p> <p>14 sending the money to SPS?</p> <p>15 A. I don't. Other than it being a fairly recent</p> <p>16 transfer at that time, maybe the -- there's some lag</p> <p>17 time in the system. I -- I don't have an explanation.</p> <p>18 Q. All right. Do you know if SPS ever filed a</p> <p>19 3002.1 notice for any of the escrow amounts that were</p> <p>20 added by Caliber to the account while Caliber had the</p> <p>21 loan?</p> <p>22 A. If SPS filed a 3002, I don't know. I don't</p> <p>23 work for SPS.</p> <p>24 Q. Okay. Okay. If we go back to Exhibit 10 --</p> <p>25 A. Okay.</p>

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<p style="text-align: right;">Page 170</p> <p>1 Q. -- there's an entry on -- well, there's two</p> <p>2 entries: One is on March 2nd, 2015, and one is on March</p> <p>3 6, 2015. Do you see those?</p> <p>4 A. March 2nd and 6th, 2015, yes.</p> <p>5 Q. Okay. In there, it says the receipt of</p> <p>6 2,502.58 --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- on the 2nd of March and a disbursement of</p> <p>9 2,502.58 on the 6th of March. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. All right. What are those transactions?</p> <p>12 A. Just a moment. (Peruses documents.) I don't</p> <p>13 see any notes indicating what these transactions are</p> <p>14 for.</p> <p>15 Q. Okay. Would there be information somewhere in</p> <p>16 the Fiserv system that would explain those transactions?</p> <p>17 A. Right; however, as I mentioned earlier, notes</p> <p>18 could be housed in different areas of Fiserv, and so,</p> <p>19 yes, there quite possibly could be an explanation of</p> <p>20 where these funds came from.</p> <p>21 Q. Right. And where they went?</p> <p>22 A. And where they went as well.</p> <p>23 Q. Okay. If you -- on Exhibit 10, if you look</p> <p>24 across to the right, for everything after January 2nd,</p> <p>25 there are a bunch of debits and one credit to the</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. All right. But there's a place in Fiserv you</p> <p>2 could find out why these are all showing up as positive</p> <p>3 amounts?</p> <p>4 A. I do have -- we do have access to records that</p> <p>5 can explain these amounts, correct.</p> <p>6 Q. Okay. All right. Going back to -- well, let</p> <p>7 me just ask one follow-up question: So do you have any</p> <p>8 idea what the amount of unapplied funds was that was</p> <p>9 sent to SPS?</p> <p>10 A. No. I don't have any idea of the -- the amount</p> <p>11 of unapplied funds.</p> <p>12 Q. Okay. But you could figure that out with</p> <p>13 internal records of Caliber, correct?</p> <p>14 A. Yes. We can inquire and figure that out.</p> <p>15 Q. All right. And let's go back to the late</p> <p>16 charges, the late charge column. There were two credits</p> <p>17 to the late charge when the loan was boarded, and then</p> <p>18 on the 2nd, there's a \$1,024.80 debit to the account; is</p> <p>19 that correct?</p> <p>20 A. Just a moment. (Peruses document.)</p> <p>21 Q. This is on January 2nd of 2015.</p> <p>22 A. (Peruses documents.) When the loan was</p> <p>23 boarded, we released it January 2015.</p> <p>24 Q. Right. But there's a credit on January 2nd to</p> <p>25 the account. Do you know if this credit was made prior</p>
<p style="text-align: right;">Page 171</p> <p>1 unapplied funds account. Do you see that?</p> <p>2 A. January 2nd, 2015.</p> <p>3 Q. After January 2nd.</p> <p>4 A. After? Okay. I see a bunch of credits and one</p> <p>5 debit.</p> <p>6 Q. All right. Why don't the -- other than the one</p> <p>7 case, why don't the credits under the transaction</p> <p>8 amounts and the debits match as credits or debits in the</p> <p>9 unapplied funds account?</p> <p>10 A. If I'm understanding the question, I'm looking</p> <p>11 across each line item, and they match.</p> <p>12 Q. Well, if we look at -- the dollar amounts</p> <p>13 match, but if you look at the transaction dated January</p> <p>14 31st, 2015?</p> <p>15 A. Uh-huh.</p> <p>16 Q. All right. That shows there's a negative</p> <p>17 transaction amount, but it shows as a positive in the --</p> <p>18 A. Okay. I see what you're saying.</p> <p>19 Q. -- unapplied funds.</p> <p>20 A. Just a moment. Let me see. (Peruses</p> <p>21 documents.) I'm sorry. Give me just a moment.</p> <p>22 (Peruses documents.) I would have to see if there is</p> <p>23 a -- do a further investigation and see if there's notes</p> <p>24 under this screen that would give me details of why</p> <p>25 these transactions are taking place like this.</p>	<p style="text-align: right;">Page 173</p> <p>1 to the time that the late charges were released to SPS?</p> <p>2 A. What's the amount of the credit you're</p> <p>3 referring to?</p> <p>4 Q. \$1,024.80.</p> <p>5 A. In January of 2015.</p> <p>6 Q. January 2nd of 2015.</p> <p>7 A. Which exhibit are you looking at?</p> <p>8 Q. 10, sort of in the middle of the page, lower</p> <p>9 middle of the page, on January 2nd, 2015.</p> <p>10 A. Oh, okay. I see it. I'm not -- I'm unaware of</p> <p>11 any amounts that are -- that were sent to SPS.</p> <p>12 Q. All right. Is there a way you could find out</p> <p>13 what amounts were sent to SPS for late charges being</p> <p>14 owed?</p> <p>15 A. I'm sure.</p> <p>16 Q. All right. One more question for now on</p> <p>17 Exhibit 3 -- well, Exhibit 3 and 10, so let's go to</p> <p>18 Exhibit 10. On 12-22 of 2014, there's -- in the far</p> <p>19 right -- right column, there's a principal balance in</p> <p>20 the amount of 81,989.01. Do you see that?</p> <p>21 A. Exhibit 10, 12-22-2014?</p> <p>22 Q. 12-24.</p> <p>23 A. All right. In the far right column, which</p> <p>24 amount?</p> <p>25 Q. 81,989.01.</p>

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<p style="text-align: right;">Page 174</p> <p>1 A. Yes. I see it.</p> <p>2 Q. All right. Where are the transactions in</p> <p>3 releasing the loan that bring this balance down to zero?</p> <p>4 A. (Peruses documents.) I don't see transactions</p> <p>5 that bring the balance down to zero.</p> <p>6 Q. Should there be some transactions with the code</p> <p>7 of SV for service release?</p> <p>8 A. Just a moment. (Peruses document.) Well, I</p> <p>9 don't see SD on my list of --</p> <p>10 Q. It's SV. I'm sorry.</p> <p>11 A. S?</p> <p>12 Q. SV, as in Victor.</p> <p>13 A. V? As I mentioned earlier, I don't take part</p> <p>14 in the release of servicing from us to another servicer.</p> <p>15 I would have to inquire.</p> <p>16 Q. All right. But you could find out that</p> <p>17 information, correct?</p> <p>18 A. Yes.</p> <p>19 Q. All right. If we go back to Exhibit 10 and if</p> <p>20 we look at the date of January 2nd, 2015.</p> <p>21 A. Okay.</p> <p>22 Q. All right. There were 16 line entries done.</p> <p>23 Do you know what any of these mean?</p> <p>24 MS. HAYWARD: I'm sorry. Are we on Exhibit</p> <p>25 3 or 10?</p>	<p style="text-align: right;">Page 176</p> <p>1 you don't know if that was by a Caliber employee or an</p> <p>2 outside vendor that entered information about delinquent</p> <p>3 taxes, correct?</p> <p>4 A. I don't know if our tax vendor has access to</p> <p>5 Fiserv.</p> <p>6 Q. Okay. Who would know the answer to that?</p> <p>7 A. I guess I can reach out to the tax department.</p> <p>8 Q. Okay. What about insurance? Who discovers</p> <p>9 that a particular debtor insurance is lapsing such that</p> <p>10 Caliber would need to force-place insurance?</p> <p>11 A. I'm sure our insurance department would get the</p> <p>12 first information.</p> <p>13 Q. But how do they -- how do they get that</p> <p>14 notification? How do they know the insurance is about</p> <p>15 to run out?</p> <p>16 A. I don't know how they know. I can -- besides a</p> <p>17 letter in the mail, I don't know.</p> <p>18 Q. All right. Other than the notes, and you said</p> <p>19 there's different types of notes that Caliber's used in</p> <p>20 the past, correct?</p> <p>21 A. I said there's different screens that notes</p> <p>22 could be entered on.</p> <p>23 Q. Okay.</p> <p>24 A. Okay.</p> <p>25 Q. Can employees also communicate with each other</p>
<p style="text-align: right;">Page 175</p> <p>1 MS. KELLETT: Exhibit 3.</p> <p>2 A. What date was that again?</p> <p>3 Q. (By Ms. Kellett) January 2nd of 2015.</p> <p>4 A. (Peruses document.) And you're asking how many</p> <p>5 lines were on for that date?</p> <p>6 Q. But I'm asking do you know what any of these</p> <p>7 lines mean? Do you know what line No. 1 means on</p> <p>8 January 2nd of 2015?</p> <p>9 A. Sure. One from the top. Let's see. Let's see</p> <p>10 if any of these are in our definitions. (Peruses</p> <p>11 document.) No. I don't wanna guess at what those stand</p> <p>12 for. I don't know.</p> <p>13 Q. All right. Do you know what any of these lines</p> <p>14 mean on January 2nd, 2015, on Exhibit 3?</p> <p>15 A. No. I don't know exactly what they mean, no.</p> <p>16 Q. All right. Do you know if Caliber's outside</p> <p>17 counsel can enter notes into Fiserv?</p> <p>18 A. I don't know. I would assume not since they're</p> <p>19 technically not an employee of Caliber, but I don't</p> <p>20 know.</p> <p>21 Q. Do you know if any other kind of vendors can</p> <p>22 enter notes into Fiserv?</p> <p>23 A. I've never come across a vendor that had access</p> <p>24 to our Fiserv system.</p> <p>25 Q. Right. But, for instance, the tax information,</p>	<p style="text-align: right;">Page 177</p> <p>1 via e-mail or some other communication system that's an</p> <p>2 electronic system?</p> <p>3 A. Absolutely.</p> <p>4 Q. Okay. Did you review any e-mails regarding the</p> <p>5 Trevinos or this case in connection with your deposition</p> <p>6 today?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. What e-mails did you review?</p> <p>9 A. Just the e-mail with the attached of the</p> <p>10 production, a copy of the order for deposition, the</p> <p>11 items to review for this deposition.</p> <p>12 Q. All right. Did you review any e-mails on the</p> <p>13 account that were about the Trevinos or about the case</p> <p>14 that went from an employee to another employee?</p> <p>15 A. I only received one e-mail, maybe two e-mails,</p> <p>16 regarding this case, and they came directly from the</p> <p>17 legal department.</p> <p>18 Q. Okay. You didn't see any e-mails from an</p> <p>19 employee to another employee about the Trevinos'</p> <p>20 account, correct?</p> <p>21 A. No, I -- I haven't.</p> <p>22 Q. Okay. Could there be e-mails about the</p> <p>23 Trevinos' account between employees at Caliber?</p> <p>24 A. It's possible.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 178</p> <p>1 A. I haven't seen any, though.</p> <p>2 Q. Okay. If an employee sent another employee an</p> <p>3 e-mail about the Trevinos' account, how would you find</p> <p>4 that out?</p> <p>5 (Discussion off the record.)</p> <p>6 A. We were trying to hone in on e-mails from the</p> <p>7 Trevino account for some reason?</p> <p>8 Q. (By Ms. Kellett) Yes.</p> <p>9 A. I would call IT myself.</p> <p>10 Q. Okay.</p> <p>11 A. Other than that, I don't know how to determine</p> <p>12 if other employees were having conversations about this</p> <p>13 account.</p> <p>14 Q. Okay. And if you wanted to know whether any</p> <p>15 outside vendor, including law firms, could enter</p> <p>16 information into the Fiserv system, would you also call</p> <p>17 IT?</p> <p>18 A. That would be an -- an avenue to take to see if</p> <p>19 they have access to those systems.</p> <p>20 Q. Okay. Is there a particular person in IT that</p> <p>21 you would call?</p> <p>22 A. No particular person. I would just call the IT</p> <p>23 hotline.</p> <p>24 Q. Okay.</p> <p>25 A. And go from there.</p>	<p style="text-align: right;">Page 180</p> <p>1 A. So there's a system called M&M.</p> <p>2 Q. Okay.</p> <p>3 A. But that's for inspections.</p> <p>4 Q. Okay. Is that how you order inspections?</p> <p>5 A. There's a couple ways to order 'em.</p> <p>6 Q. Okay.</p> <p>7 A. That's one way.</p> <p>8 Q. Okay. And do you receive the inspections back</p> <p>9 through M&M?</p> <p>10 A. Through that system?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And what's the other?</p> <p>14 A. The other vend -- vendor system I can think of</p> <p>15 that outside people may have access to is LPS.</p> <p>16 Q. Okay. Does Caliber use LPS?</p> <p>17 A. Yes, we do.</p> <p>18 Q. Okay. What does Caliber use LPS for?</p> <p>19 A. LPS is our system that we use to communicate</p> <p>20 with attorneys. Attorneys can put in their request</p> <p>21 through LPS, so any request they have on the account.</p> <p>22 Q. Okay. Did you review the LPS records in</p> <p>23 connection with the Trevino account?</p> <p>24 A. Vaguely.</p> <p>25 Q. Okay. Do you know why those haven't been</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. All right. Do you know who -- who the head of</p> <p>2 the IT department is?</p> <p>3 A. I do not.</p> <p>4 Q. All right. Do you know any of the employees in</p> <p>5 the IT department?</p> <p>6 A. Not personally.</p> <p>7 Q. All right. Do you know their names, any of</p> <p>8 their names?</p> <p>9 A. I know a couple names, first names, not last</p> <p>10 names.</p> <p>11 Q. Okay. That's fine. Other than e-mail and</p> <p>12 entering notes, do you know of any other communication</p> <p>13 systems that Caliber employs or vendors use in</p> <p>14 connection with mortgage loan servicing?</p> <p>15 A. Do I know of any other vendor systems that</p> <p>16 Caliber uses?</p> <p>17 Q. Yes.</p> <p>18 THE WITNESS: Please repeat the question.</p> <p>19 Thank you.</p> <p>20 (Requested portion was read.)</p> <p>21 A. That vendors use, there's two that I can come</p> <p>22 up with off the top of my head.</p> <p>23 Q. (By Ms. Kellett) Okay.</p> <p>24 A. As I mentioned, I was in property preservation.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 181</p> <p>1 produced?</p> <p>2 A. The same information that's in the LPS is</p> <p>3 within Fiserv, for the most part. There's</p> <p>4 communications between the company and the attorneys</p> <p>5 that may not be in Fiserv.</p> <p>6 Q. All right. Okay. But -- but there are some</p> <p>7 LPS records with respect to the Trevinos, correct?</p> <p>8 A. Absolutely there's records.</p> <p>9 Q. What other kind of systems or software does</p> <p>10 Caliber use in its mortgage servicing business that you</p> <p>11 know of?</p> <p>12 A. I can only tell you the ones I use. We use way</p> <p>13 more than what I use. For default servicing, in my</p> <p>14 role, LPS, Fiserv. There's another system called Core.</p> <p>15 Q. What does Core do?</p> <p>16 A. Core is just like an assistance tool to tell us</p> <p>17 how to help mitigate this account or help the customer.</p> <p>18 It kind of gives us an idea of where to start.</p> <p>19 Q. Were there any Core records with respect to the</p> <p>20 Trevinos?</p> <p>21 A. I didn't look at Core. Core is usually when</p> <p>22 you have an active account that we're currently</p> <p>23 servicing, would you use Core.</p> <p>24 Q. You mean one that's not in default servicing?</p> <p>25 A. When we're actually servicing. It's been</p>

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<p style="text-align: right;">Page 182</p> <p>1 service released. You know, when I got the -- the file, 2 it was serviced released, so there's no need -- no need 3 for me to go into Core. 4 Q. Okay. What other systems? 5 A. CarbonCopy. 6 Q. What is that? 7 A. It's our imaging system. 8 Q. Okay. Did you review all the documents that 9 have been imaged with respect to the Trevinos? 10 A. No. I just reviewed the documents in 11 prepara -- preparization -- preparation for the 12 disposition (sic). 13 Q. All right. That were sent by counsel, correct? 14 A. Correct. 15 Q. All right. We saw some references to some 16 documents being scanned. Would they have been scanned 17 into this CarbonCopy system? 18 A. You said you saw some -- what was the first 19 part of that question? 20 Q. We saw some notes about correspondence being 21 scanned, and my question is: Does that mean whether you 22 scanned into the CarbonCopy system? 23 A. Yes. That is our primary system of housing 24 documents. 25 Q. Okay. So if you wanted to find all the</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. All right. Could you talk to someone in IT or 2 somewhere to figure out if you could access the Venture 3 system? 4 A. Absolutely. If it's still available, yeah, I 5 can talk to someone in IT. 6 Q. Okay. Let me go ahead and -- 7 (Discussion off the record.) 8 MS. KELLETT: What's it gonna be? 9 MS. CLONTZ: 17. 10 (Exhibit 17 marked for identification.) 11 Q. (By Ms. Kellett) Okay. We're showing you 12 what's been marked as Exhibit 17 to your deposition. Do 13 you recognize this document at all? 14 A. (Peruses documents.) This is all one document? 15 Q. Yes. This was a document we filed with the 16 Court, with exhibits. If you'll keep looking on that 17 page that you're on right now -- 18 A. Uh-huh. 19 Q. -- what page number does it have at the bottom? 20 A. Seven. 21 Q. Okay. Could you go ahead to -- is this 22 Plaintiff's First Request for Production of Documents? 23 Is that what it says at the bottom? 24 A. Yes. 25 Q. All right. Could you go to page No. 10 -- I</p>
<p style="text-align: right;">Page 183</p> <p>1 documents imaged with respect to the Trevinos, could you 2 pull those up using CarbonCopy? 3 A. Yes. It's our primary imaging system. 4 Q. Do you have a secondary imaging system? 5 A. I haven't -- yes, we do. I haven't used it in 6 ages. 7 Q. Is it a -- is it a system that was only used up 8 to a certain date in time? 9 A. Exactly, and then Caliber created CarbonCopy to 10 take over. 11 Q. Okay. So the Trevinos wouldn't be in that 12 earlier system because that's a fairly recent account; 13 is that correct? 14 A. We got the loan in -- 15 Q. It was -- 16 A. Well, it's been a few years. 17 Q. -- November of 2013, is when Caliber got the 18 loan. 19 A. That, I don't know. I can't recall when 20 CarbonCopy was launched. 21 Q. Okay. What's the name of the legacy system? 22 A. I believe it's called Venture. 23 Q. Okay. Can you access that Venture system? 24 A. It's been so long, I've probably been revoked. 25 I don't know.</p>	<p style="text-align: right;">Page 185</p> <p>1 mean, I'm sorry, page No. 8, and these are front and 2 back pages. 3 A. Okay. 4 Q. All right. Do you see request for production 5 No. 10? 6 A. I see it. 7 Q. All right. Have you seen this request for 8 production before? 9 A. Let me see. (Peruses document.) This looks a 10 little more detailed than what I got. 11 Q. All right. Did you review any policies and 12 procedures with respect to the filing of 3002.1 notices 13 in preparation for your deposition? 14 A. No, I didn't. 15 Q. And did you review any policies or procedures 16 in connection with how Caliber accepts funds from any 17 filed 3002.1 notices? 18 A. Not specifically the 3002.1 notice. 19 Q. Okay. And if you could look on Page 9, request 20 for production No. 13. 21 A. Okay. 22 Q. All right. Did you look at any policies or 23 procedures with respect to request for production No. 24 13? 25 A. Let me read through it?</p>

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<p style="text-align: right;">Page 186</p> <p>1 Q. Sure.</p> <p>2 A. (Peruses document.) Do you have a copy of the</p> <p>3 order for deposition?</p> <p>4 Q. The deposition notice?</p> <p>5 A. Uh-huh.</p> <p>6 Q. It's Exhibit No. 1.</p> <p>7 A. 1? (Peruses document.) So I haven't seen this</p> <p>8 one.</p> <p>9 Q. All right.</p> <p>10 A. This one's a little -- this one's a little</p> <p>11 wordier.</p> <p>12 Q. Well, look at topic 7 (d). What did you do to</p> <p>13 prepare for your deposition with respect to topic 7 (d)?</p> <p>14 A. This is, as you mentioned, regarding the</p> <p>15 acceptance of funds for a 3002.1. I did -- we did reach</p> <p>16 out to the payment department.</p> <p>17 Q. Okay.</p> <p>18 A. And inquired about the acceptance of funds.</p> <p>19 Q. Okay. And what did they say?</p> <p>20 MS. HAYWARD: I'm going to object. These</p> <p>21 were all attorney-client privileged communications.</p> <p>22 Q. (By Ms. Kellett) Did you talk to an attorney</p> <p>23 in the payment department?</p> <p>24 A. My attorney and I spoke with the payment</p> <p>25 department.</p>	<p style="text-align: right;">Page 188</p> <p>1 at Caliber in preparing for his deposition at the same</p> <p>2 time. You're welcome to ask him whether he spoke to</p> <p>3 somebody without me present, but any communications and</p> <p>4 conversations in which I was involved and that we were</p> <p>5 preparing for this deposition are privileged.</p> <p>6 MS. KELLETT: No, Melissa. Not every</p> <p>7 conversation is privileged. The only thing that's</p> <p>8 privileged is whether you were seeking legal advice or</p> <p>9 giving legal advice.</p> <p>10 MS. HAYWARD: Well, obviously, we were</p> <p>11 preparing for a deposition.</p> <p>12 MS. KELLETT: That doesn't mean you were</p> <p>13 seeking legal advice.</p> <p>14 MS. HAYWARD: Then it was certainly</p> <p>15 attorney-client work product.</p> <p>16 Q. (By Ms. Kellett) Okay. What is the expense of</p> <p>17 accessing Caliber's policies and procedures with respect</p> <p>18 to filing 3002.1 notice -- notices?</p> <p>19 A. You're asking -- when you say "expense" --</p> <p>20 Q. Yeah.</p> <p>21 A. -- what do you mean?</p> <p>22 Q. The expense of accessing Caliber's policies and</p> <p>23 procedures with respect to filing 3002.1 notice --</p> <p>24 notices and accepting funds from any filed 3002.1</p> <p>25 notice.</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Your attorney and you spoke with the payment</p> <p>2 department?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So did you speak to anybody other than</p> <p>5 an attorney to prepare for topic 7 (d) for your</p> <p>6 deposition today?</p> <p>7 A. No, just with my attorney when we talked about</p> <p>8 this topic.</p> <p>9 Q. Did you -- did you ask -- well, let me ask</p> <p>10 this: What did you, as opposed to your attorney, ask</p> <p>11 the payment department?</p> <p>12 MS. HAYWARD: I'm going to object to the</p> <p>13 extent of any communications between me, this witness,</p> <p>14 and anybody else with Caliber in preparation of this</p> <p>15 deposition. Those are attorney-client privileged</p> <p>16 communications. Whether he was the one asking them or</p> <p>17 I was the one asking them, they're attorney-client</p> <p>18 privileged communications.</p> <p>19 Q. (By Ms. Kellett) Was the subject of the</p> <p>20 communication legal advice from your payment department</p> <p>21 person?</p> <p>22 MS. HAYWARD: Again, first off, that's a --</p> <p>23 a legal question, and I'm going to object to that as</p> <p>24 well. I'm gonna instruct the witness not to disclose</p> <p>25 any communications that he had with me and anybody else</p>	<p style="text-align: right;">Page 189</p> <p>1 A. When you say "expense," are you asking how much</p> <p>2 it costs?</p> <p>3 Q. Yes.</p> <p>4 A. That, I don't know. I don't know. I'm not an</p> <p>5 attorney. I don't file the 3002.1 notices. I don't</p> <p>6 know.</p> <p>7 Q. All right. Do -- do you know if Caliber has</p> <p>8 any policies and procedures with respect to Rule 3002.1</p> <p>9 notices?</p> <p>10 A. We do.</p> <p>11 Q. Okay.</p> <p>12 A. I -- I did look up -- I did see something</p> <p>13 regarding 3002.1 notices, but I couldn't given you the</p> <p>14 details of it.</p> <p>15 Q. When you say you saw something, were you</p> <p>16 looking at some policies or procedures with respect to</p> <p>17 3002.1 notices?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And where did you -- where did you view</p> <p>20 that information?</p> <p>21 A. Within the policies and procedures.</p> <p>22 Q. Okay. Are those online or in hard copy?</p> <p>23 A. Online.</p> <p>24 Q. Did you print any of that information out?</p> <p>25 A. No, I did not.</p>

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<p style="text-align: right;">Page 190</p> <p>1 Q. Okay. Could you print it out?</p> <p>2 A. It's printable.</p> <p>3 Q. Do you know how much it would cost to -- to</p> <p>4 print out the policies and procedures of Caliber with</p> <p>5 respect to Rule 3002.1?</p> <p>6 A. How much it would cost to print out policies</p> <p>7 and procedures?</p> <p>8 Q. Yes.</p> <p>9 A. The cost of ink and paper.</p> <p>10 Q. Not much, correct?</p> <p>11 A. Fairly low costs.</p> <p>12 Q. Okay. All right. What did you do with respect</p> <p>13 to finding out information for your deposition in</p> <p>14 connection with topic 7 (e)?</p> <p>15 A. With respect to (e), I reviewed Caliber's</p> <p>16 retention policies.</p> <p>17 Q. Okay. And where are Caliber's retention</p> <p>18 policies?</p> <p>19 A. We retain documents, account information, for</p> <p>20 a minimum of seven years unless the account's in</p> <p>21 litigation --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- in which we could retain the documents</p> <p>24 longer.</p> <p>25 Q. Okay. And with respect to matters in</p>	<p style="text-align: right;">Page 192</p> <p>1 about the systems they use?</p> <p>2 A. I asked about the -- the systems that -- that</p> <p>3 was used. I don't remember the name of the system. I</p> <p>4 just know that it tracks these lawsuits. If it tracks</p> <p>5 violations as well, I don't know.</p> <p>6 Q. Okay. Did you ask anybody?</p> <p>7 A. That specific question, I don't recall if I</p> <p>8 asked that one.</p> <p>9 Q. All right. Do you know, does Caliber store the</p> <p>10 pleadings in the lawsuit in the system that it uses?</p> <p>11 MS. HAYWARD: Objection, form.</p> <p>12 A. I don't know to what extent of information that</p> <p>13 is stored in that -- that system. I don't have access</p> <p>14 to it. I'm not in the legal department.</p> <p>15 Q. (By Ms. Kellett) Right. And you didn't ask</p> <p>16 with respect to your deposition today, correct?</p> <p>17 A. I didn't ask that specific question, no.</p> <p>18 Q. All right. And did you ask specifically about</p> <p>19 what it would cost to extract information out of the</p> <p>20 legal department's computer system?</p> <p>21 MS. HAYWARD: Objection, form.</p> <p>22 A. Which topic is that?</p> <p>23 Q. (By Ms. Kellett) 7 (e).</p> <p>24 A. The same topic. And ask that specific question</p> <p>25 again.</p>
<p style="text-align: right;">Page 191</p> <p>1 litigation, how does Caliber store information about</p> <p>2 matters in litigation within its computer systems?</p> <p>3 A. Well, which topic is that in regards to?</p> <p>4 Q. 7 (e).</p> <p>5 A. Everything is stored on the server. There's a</p> <p>6 constant data backup, and at the end of the day, we also</p> <p>7 do another data backup.</p> <p>8 Q. Okay. Do you know particular software that</p> <p>9 Caliber uses or its legal department uses to store</p> <p>10 information about lawsuits against Caliber?</p> <p>11 A. All I know is that there's a system they use to</p> <p>12 track lawsuits, but beyond that, I don't know. I'm not</p> <p>13 in the legal department.</p> <p>14 Q. Okay. Well, so you didn't discuss with anybody</p> <p>15 in the legal department topic 7 (e)?</p> <p>16 A. I did.</p> <p>17 Q. Okay. Well, how does Caliber know, for</p> <p>18 instance, if a lawsuit alleges a violation of bankruptcy</p> <p>19 Rule 3002.1?</p> <p>20 A. Which one is that?</p> <p>21 Q. 7 (e).</p> <p>22 A. The same one. Again, I'm not in the legal</p> <p>23 department. I don't have access to the systems they</p> <p>24 use, so...</p> <p>25 Q. Did you ask somebody extensive information</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. All right. All right. So the topic was any</p> <p>2 expense associated with retrieving information regarding</p> <p>3 such lawsuits or complaints, but you didn't ask anybody</p> <p>4 about what it would cost to retrieve that information,</p> <p>5 correct?</p> <p>6 A. I mean, retrieving information should be a</p> <p>7 fairly low cost. No, I did not ask.</p> <p>8 Q. All right. Okay. With respect to 7 (g), what</p> <p>9 did you do to prepare for topic 7 (g) with respect to</p> <p>10 your deposition today?</p> <p>11 A. I don't recall my whole preparation. Give me</p> <p>12 just a moment.</p> <p>13 Q. Sure.</p> <p>14 A. Thank you. I apologize. I remember talking</p> <p>15 about it, but I don't recall exactly what we discussed</p> <p>16 on that topic.</p> <p>17 Q. Okay. Do you -- do you recall if there have</p> <p>18 been any external analysis, reviews, or audits regarding</p> <p>19 Caliber's enforcement of 3002.1 notices?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. And you're not aware of, but you don't remember</p> <p>22 what you spoke to someone with about 7 (g)?</p> <p>23 A. Well, I spoke to counsel about 7 (g).</p> <p>24 Q. All right. And counsel --</p> <p>25 A. Uh-huh.</p>

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<p style="text-align: right;">Page 194</p> <p>1 Q. -- gave you the information, so --</p> <p>2 MS. HAYWARD: I'm gonna again object --</p> <p>3 MS. KELLETT: Okay.</p> <p>4 MS. HAYWARD: -- to anything that counsel</p> <p>5 spoke or told him as part of this deposition.</p> <p>6 MS. KELLETT: All right.</p> <p>7 A. And I spoke with legal.</p> <p>8 MS. HAYWARD: And --</p> <p>9 Q. (By Ms. Kellett) Right. So -- so legal told</p> <p>10 you whether or not there was any internal or external</p> <p>11 analysis, review, or audit?</p> <p>12 A. Which --</p> <p>13 MS. HAYWARD: I'm gonna again object to</p> <p>14 what legal may or may not have told this witness. I'd</p> <p>15 instruct you not to answer.</p> <p>16 Q. (By Ms. Kellett) It -- are you gonna take your</p> <p>17 counsel's advice on that?</p> <p>18 A. Yes, I'm gonna take my counsel's advice on</p> <p>19 that.</p> <p>20 Q. All right. The question of whether there is</p> <p>21 any analysis or audit, were you seeking legal advice on</p> <p>22 that or factual information?</p> <p>23 MS. HAYWARD: Objection. I'm going to --</p> <p>24 this, first off, calls for a legal conclusion. Any</p> <p>25 discussions that this witness had with counsel in</p>	<p style="text-align: right;">Page 196</p> <p>1 what has been marked as Exhibit 18 to your deposition.</p> <p>2 Do you know if you've ever seen this document before?</p> <p>3 A. (Peruses document.) I don't recall seeing this</p> <p>4 specific document.</p> <p>5 Q. All right. Did you say that Caliber has access</p> <p>6 to all of HSBC's transaction history with respect to the</p> <p>7 Trevino account?</p> <p>8 A. We don't necessarily have access, but we may be</p> <p>9 able to get transaction history.</p> <p>10 Q. All right. Have you ever seen Fiserv</p> <p>11 transaction history in this format before?</p> <p>12 A. I've seen many transaction histories.</p> <p>13 Q. All right.</p> <p>14 A. And this looks like similar to some -- one that</p> <p>15 I've seen before in the past.</p> <p>16 Q. Okay. So the transaction history, you can run</p> <p>17 out a report that's in this format rather than in Excel,</p> <p>18 correct?</p> <p>19 A. I've only dabbled with two formats: PDF and</p> <p>20 Excel, so I don't know what format this is.</p> <p>21 Q. Right. But you've seen this format for the</p> <p>22 transaction, correct?</p> <p>23 A. Yes. I've seen something similar. If it's</p> <p>24 actually this format, I don't know.</p> <p>25 Q. But if you wanted to know the different ways</p>
<p style="text-align: right;">Page 195</p> <p>1 preparation of this deposition is privileged and work</p> <p>2 product.</p> <p>3 MS. KELLETT: That's not true, Melissa.</p> <p>4 MS. HAYWARD: Well, then, take it to the</p> <p>5 Court.</p> <p>6 MS. KELLETT: We will.</p> <p>7 Q. (By Ms. Kellett) All right. Did you ask</p> <p>8 anybody besides a lawyer whether or not Caliber has had</p> <p>9 any internal or external analysis, reviews, or audits</p> <p>10 concerning Caliber's enforcement of 3002.1 notices?</p> <p>11 A. No, I did not.</p> <p>12 Q. Okay. So the only thing you know about topic</p> <p>13 7 (g) is what a lawyer told you, correct?</p> <p>14 A. As I mentioned, I can't recall the details of</p> <p>15 topic (g) at this moment.</p> <p>16 Q. Did you talk about topic (g) only with</p> <p>17 Ms. Hayward or with any other counsel?</p> <p>18 A. With legal and Ms. Hayward.</p> <p>19 Q. Okay. Was that -- what other attorneys in</p> <p>20 internal legal?</p> <p>21 A. With Clint.</p> <p>22 Q. Clint. Okay.</p> <p>23 (Discussion off the record.)</p> <p>24 (Exhibit 18 marked for identification.)</p> <p>25 Q. (By Ms. Kellett) All right. I'm showing you</p>	<p style="text-align: right;">Page 197</p> <p>1 that you could pull reports of account information out</p> <p>2 of Fiserv, who would you discuss that with?</p> <p>3 A. If I wanted to see what information I can pull</p> <p>4 out of Fiserv?</p> <p>5 Q. Any information in the account, how you could</p> <p>6 pull it out other than into Excel, who would you</p> <p>7 discuss?</p> <p>8 A. Other than into Excel?</p> <p>9 Q. Yes. Who would you discuss the capabilities of</p> <p>10 the Fiserv system with respect to report generation?</p> <p>11 A. Before I discuss anything with anyone, I'd just</p> <p>12 go back to the same tool I used to generate the Excel.</p> <p>13 Q. Right. But if you wanted to see if information</p> <p>14 could be pulled in a different way other than Excel,</p> <p>15 would you talk to somebody in the IT department?</p> <p>16 A. No. I would go back to the same tool I used</p> <p>17 to generate the Excel. As I mentioned earlier, it</p> <p>18 generates more than Excel and PDF. It has other</p> <p>19 formats, so if I wanted to know what other formats were</p> <p>20 available, I -- I'd go there and try that --</p> <p>21 Q. Okay.</p> <p>22 A. -- before I reached out to anyone.</p> <p>23 Q. Okay. Is -- is Exhibit 18 one of the formats?</p> <p>24 A. I don't know. This is not Excel.</p> <p>25 Q. Right.</p>

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<p style="text-align: right;">Page 214</p> <p>1 A. No.</p> <p>2 Q. Looking at these documents, or let's look at</p> <p>3 21 since -- well, does Exhibit 21 give you information</p> <p>4 about the Trevinos' account?</p> <p>5 A. (Peruses document.) Yes, it does.</p> <p>6 Q. Okay. Do Exhibits 8, 4, 5, 6, and 7, when put</p> <p>7 in proper order, also give you information about the</p> <p>8 Trevinos' account then?</p> <p>9 A. After reviewing those two line items --</p> <p>10 MS. KELLETT: Objection, form, leading.</p> <p>11 A. -- it appears to give me the same exact</p> <p>12 information as Exhibit 21.</p> <p>13 Q. (By Ms. Hayward) I'd like to talk briefly</p> <p>14 about Exhibit 21 and Exhibit 22. Are these Caliber's</p> <p>15 records?</p> <p>16 A. These are records prior to Caliber acquiring</p> <p>17 the loan.</p> <p>18 Q. Whose records are these, if you know?</p> <p>19 A. I'd say HSBC's records.</p> <p>20 Q. Are these records accessible to Caliber in</p> <p>21 Caliber's Fiserv software?</p> <p>22 A. No.</p> <p>23 Q. Okay. Can Caliber access HSBC's screenshots</p> <p>24 in its Fiserv software?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. All -- all documents regarding servicing a</p> <p>2 loan. You could find documents from the previous</p> <p>3 servicer. You'll find documents from Caliber, like</p> <p>4 mortgage, copies of the mortgage, copies of the note,</p> <p>5 copies of breach letters, copies of correspondence sent</p> <p>6 to the borrower.</p> <p>7 Q. Okay. Origination files?</p> <p>8 A. Yes.</p> <p>9 Q. Credit reports?</p> <p>10 A. Yes.</p> <p>11 Q. Original inspection reports?</p> <p>12 A. Yes.</p> <p>13 Q. Closing files?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you recall how many pages of</p> <p>16 documents that Caliber produced to the Trevinos in this</p> <p>17 case in 2014?</p> <p>18 A. How many documents --</p> <p>19 MS. KELLETT: Objection, speculation. The</p> <p>20 witness testified he had nothing to do with this case in</p> <p>21 2014.</p> <p>22 Q. (By Ms. Hayward) Did you review --</p> <p>23 MS. HAYWARD: Well, let me strike that then</p> <p>24 and reask the question.</p> <p>25 Q. (By Ms. Hayward) Did you review a copy of the</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. Okay. To your knowledge, has Caliber produced</p> <p>2 all documents that it had in CarbonCopy?</p> <p>3 MS. KELLETT: Objection, leading, calls for</p> <p>4 speculation.</p> <p>5 Q. (By Ms. Hayward) I'll repeat the question: To</p> <p>6 your knowledge, has Caliber produced all documents in</p> <p>7 its possession in CarbonCopy?</p> <p>8 MS. KELLETT: Objection, leading. It calls</p> <p>9 for speculation.</p> <p>10 MS. HAYWARD: Are you objecting on both</p> <p>11 grounds?</p> <p>12 MS. KELLETT: Yes.</p> <p>13 MS. HAYWARD: Okay.</p> <p>14 A. Still answer that?</p> <p>15 Q. (By Ms. Hayward) Yes, please.</p> <p>16 A. Have we provided the documents as part of</p> <p>17 production for today's disposition (sic)?</p> <p>18 Q. Yes.</p> <p>19 A. All of the documents?</p> <p>20 Q. In -- in CarbonCopy.</p> <p>21 A. I -- I don't know if we provided all of the</p> <p>22 documents in CarbonCopy. That could be a pretty robust</p> <p>23 download if we did.</p> <p>24 Q. What kind of documents generally would be found</p> <p>25 in CarbonCopy?</p>	<p style="text-align: right;">Page 217</p> <p>1 documents that Caliber produced in 2014 to the Trevinos?</p> <p>2 A. A copy of the -- where -- are these documents</p> <p>3 that were produced in 2014, all of these?</p> <p>4 Q. Yes, the Bates --</p> <p>5 MS. KELLETT: Objection, response.</p> <p>6 Q. (By Ms. Hayward) The -- did you review</p> <p>7 documents that were Bates numbered at the bottom?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Okay. And do you recall how many Bates-</p> <p>10 numbered documents were in that file?</p> <p>11 A. More than 800.</p> <p>12 Q. Were there copies of the note and mortgage in</p> <p>13 that file?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay. If you'd look at Exhibit 2.</p> <p>16 A. Okay.</p> <p>17 Q. I believe you previously testified that these</p> <p>18 are HSBC's screenshots, is that correct, or are these</p> <p>19 Caliber's screenshots?</p> <p>20 A. Well, this is redacted, so I can't tell whose</p> <p>21 screenshots they are.</p> <p>22 Q. I believe you testified that Caliber's Fiserv</p> <p>23 system and servicing notes looks similar to this.</p> <p>24 A. I did.</p> <p>25 Q. Assuming that Caliber's Fiserv system servicing</p>

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<p style="text-align: right;">Page 222</p> <p>1 it.</p> <p>2 A. Is this what you're referring to?</p> <p>3 Q. You said 4-25-14?</p> <p>4 A. Yes.</p> <p>5 Q. Yeah. Perfect example. Do you see where on</p> <p>6 4-25-14 it states, "Delinquent tax second letter</p> <p>7 4-28-14"?</p> <p>8 A. Right.</p> <p>9 Q. Are you aware of whether that letter was</p> <p>10 actually sent to the borrowers?</p> <p>11 A. No. I don't have a postage for that letter or</p> <p>12 an address.</p> <p>13 Q. Do you know whether Caliber continues to send</p> <p>14 delinquent letters to borrowers in bankruptcy?</p> <p>15 A. We --</p> <p>16 MS. KELLETT: Objection, speculation.</p> <p>17 MS. HAYWARD: I asked him whether he knows</p> <p>18 something. How is that speculation?</p> <p>19 MS. KELLETT: He said he didn't know very</p> <p>20 much about what the bankruptcy department does. I</p> <p>21 remember.</p> <p>22 Q. (By Ms. Hayward) I'll ask again: Do you know</p> <p>23 whether Caliber sends tax delinquency letters to</p> <p>24 borrowers who are in bankruptcy?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. If you wanted to, do you believe you would be</p> <p>2 able to determine from Exhibits 19 and 20, with a</p> <p>3 magnifying glass and a calculator, what fees HSBC</p> <p>4 assessed against the loan?</p> <p>5 A. Repeat that question again.</p> <p>6 Q. Do you think you could, if you had time and a</p> <p>7 calculator, sit down and use Exhibits 19 and 20 to</p> <p>8 determine what fees HSBC assessed against the loan</p> <p>9 before it was transferred to Caliber?</p> <p>10 MS. KELLETT: Objection, calls for</p> <p>11 speculation, but there's a calculator. Where's the</p> <p>12 magnifying -- here's a magnifying glass.</p> <p>13 A. It would be -- with the calculator and a</p> <p>14 magnifying glass, it -- I don't believe it to be</p> <p>15 impossible, but it would be a challenging task.</p> <p>16 Q. (By Ms. Hayward) Do you think you would</p> <p>17 probably need to sit down and create a accounting of</p> <p>18 some kind?</p> <p>19 A. Absolutely.</p> <p>20 Q. What documents would you use to create that</p> <p>21 accounting?</p> <p>22 A. The documents would be the transaction history.</p> <p>23 I'd also use the notes.</p> <p>24 Q. Okay. To your knowledge -- well, let's --</p> <p>25 let's look at Exhibit 3 one more time.</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. Okay. Do you know whether Caliber sends</p> <p>2 delinquency tax notices to borrowers who are involved</p> <p>3 in lawsuits with Caliber?</p> <p>4 A. I'm not in the legal department. I don't know.</p> <p>5 Q. So then would it be safe to say you don't know</p> <p>6 whether this tax letter exists or not?</p> <p>7 A. I haven't seen it.</p> <p>8 Q. What documents would you look at to determine</p> <p>9 what fees HSBC assessed on the Trevinos' loan before it</p> <p>10 was transferred to Caliber?</p> <p>11 MS. KELLETT: Objection, asked and</p> <p>12 answered.</p> <p>13 MS. HAYWARD: By me?</p> <p>14 MS. KELLETT: By me.</p> <p>15 MS. HAYWARD: How is that a valid objection</p> <p>16 to my redirect of -- of a witness?</p> <p>17 MS. KELLETT: You can answer the question.</p> <p>18 A. I would review prior service -- blah, blah,</p> <p>19 excuse me, prior servicer documents that we acquired</p> <p>20 during the boarding process. That would be one way.</p> <p>21 Q. (By Ms. Hayward) Would you look at the</p> <p>22 transaction history?</p> <p>23 A. That would be the other way.</p> <p>24 Q. Would you look at servicing notes?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 225</p> <p>1 A. Okay.</p> <p>2 Q. And let's start with -- let's look at the 12-10</p> <p>3 of 2013 note, which is two pages, the second-to-last</p> <p>4 page.</p> <p>5 A. 12-10-2013?</p> <p>6 Q. Yes.</p> <p>7 A. Okay.</p> <p>8 Q. Okay. Where does that note start? And you can</p> <p>9 take a second to read it.</p> <p>10 A. Okay. (Peruses document.) It starts at the</p> <p>11 bottom. It says, "System updated for the following</p> <p>12 event." It starts there.</p> <p>13 Q. Okay. Would you read the note as it should be</p> <p>14 read, you know, as it should be read?</p> <p>15 A. Sure. "System updated for the following event:</p> <p>16 User has created a Process-Level issue for this loan.</p> <p>17 Issue Type: BK Action Stop," a weird "I" with two dots</p> <p>18 on top. It looks like it may be a typo. It says, "Ot,"</p> <p>19 and then, "her Legal Action. Issue Comments: Please</p> <p>20 close one BK support process as it appears to be two</p> <p>21 referrals for the same county, and the dates assessed</p> <p>22 are different. Please advise which referral should the</p> <p>23 NFC be for. Thank you. Status: Active."</p> <p>24 Q. Why -- why do the notes appear that way, kind</p> <p>25 of backwards, if you will?</p>

In Re: Jose Trevino, Sr., et al vs.
HSBC Mortgage Services, Inc., et al

Jamar Harris (Caliber Home Loans)
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visit 29:24 <hr/> <p style="text-align: center;">W</p> <hr/> wait 122:1 141:10 165:18 228:4 waive 124:10 126:4 127:4,5 128:16,17,21 130:1,17 131:9 138:16,22 waived 5:3 62:2 64:5 111:3,11 125:17 127:16 129:3,6,10,20,23 130:4 131:10 139:2 153:17 154:19 waiver 125:24 126:15 130:11,14 131:16 134:18,21 154:4 waivers 154:8 wake 209:24 wanna 175:11 wanted 17:11 91:20 178:14 182:25 196:25 197:3,13,19 198:8,12 219:9 224:1 229:23 230:9 warrant 130:13 watch 206:19,22 water 91:20 ways 30:12 180:5 196:25 198:4,5, 9,10,12 Web 15:12,13,14,15,19 website 141:23 week 20:9,21,23,25 21:1,25 205:22 weird 95:5 225:17 whatsoever 209:9 When's 205:20 white 46:7 121:8 wire 162:3 withdraw 73:2 77:3 139:8,10 withdrawal 72:18,24 138:17 withdrawals 137:18 withdrawing 138:4,5 withdrawn 71:23 72:2 73:7,13,15 word 51:22 78:6 83:14 115:9 221:3 wordier 186:11	work 7:4,13 11:21,22 12:7 21:3,5 118:9,20 155:20 169:23 188:15 195:1 207:19 worked 20:21 35:2 working 5:22 6:2 145:19 163:6 write 83:20 150:20 written 83:25 wrote 165:16 <hr/> <p style="text-align: center;">Y</p> <hr/> y'all 199:20 year 7:9 21:6 71:6 120:13,16 140:23 141:10 166:14 years 6:4 7:25 8:15 21:2 183:16 190:20 yellow 229:4 yesterday 34:5 46:1,2 48:14 54:11 65:20 199:23 200:1,2,12,20 201:5 203:13,16,22 205:18,25 230:16,19, 20	
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